TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1885.

No. 932.

EVERETT B. PRESTON, APPELLANT

vs.

ALPHEUS B. MANARD AND JAMES W. MANARD.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF ILLINOIS.

FILED SEPTEMBER 8, 1885.

accession 21822

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1 Pleas in the circuit court of the United States for the northern district of Illinois, held at the United States court-rooms in the city of Chicago, in the district aforesaid, before the Hon. Henry W. Blodgett, district judge of the United States for said northern district of Illinois, on Tuesday, the twenty-fourth day of March, in the adjourned March term of said court, in the year of our Lord one thousand eight hundred and eighty-five, and of our Independence the one hundred and ninth year.

WILLIAM H. BRADLEY, *Clerk.*

EVERETT B. PRESTON
vs.
ALPHEUS B. MANARD and JAMES W. MANARD. } 17865. In Chancery.

NORTHERN DISTRICT OF ILLINOIS, *ss:*

Be it remembered that on the thirteenth day of April, 1882, came the complainant, by his solicitors, and filed in the office of the clerk of the circuit court of the United States for the northern district of Illinois, at Chicago, in said district, his bond for costs and bill of complaint in said entitled cause, which said bond and bill are, respectively, in the words and figures following, to wit:

2 *Bond for Costs.*

UNITED STATES OF AMERICA, *Northern District of Illinois:*

Circuit Court. May Term, A. D. 1882. In Chancery.

EVERETT B. PRESTON *vs.* A. B. MANARD *et al.*

We enter ourselves security for costs in this cause and promise to pay all costs which may accrue to the opposite party in this action or to any of the officers of this court; and in default of payment by the compl't of any costs ordered or adjudged to be paid by him we hereby agree and stipulate that execution may issue against our property for any costs taxed against him.

Dated this 13th day of April, A. D. 1882.

MUNDAY, EVARTS & ADCOCK.

(Endorsed:) Filed April 13th, A. D. 1882. Wm. H. Bradley, cl'k.

3 *Bill of Complaint.*

To the honorable the judges of the circuit court of the United States for the northern district of Illinois, sitting in equity:

Everett B. Preston, who is a citizen of the State of Illinois and a resident of said district, brings this his bill of complaint against Alpheus B. Manard and James W. Manard, who are citizens of said State and residients of said district.

And thereupon your orator complains and says:

4 That heretofore and before the tenth day of October, A. D. 1876, one Ives W. McGaffey became and was the original and

first inventor of certain improvements in fountain hose carriages not known or used by others before his said invention thereof and not in public use or on sale for more than two years before his application for a patent therefor, and being such first and original inventor he made application by a proper petition to the Commissioner of Patents for letters patent upon said invention, and paid the fees required by law therefor; whereupon, having complied with all the requirements of the statute in that case made and provided, certain letters patent of the United States, dated the tenth day of October, A. D. 1876, numbered 183,188, duly signed, sealed and executed, and in due form of law, were issued and delivered to said McGaffey for the said invention. And thereby there was granted to said McGaffey, his heirs and assigns, the full and exclusive right and liberty of making, using and vending the said invention for the term of seventeen years from and after the date thereof, a description of said invention being contained in the specification, a copy whereof was annexed to said letters patent and made a part therof, as by the said letters patent, or a duly certified copy thereof, here in court to be produced will more fully appear.

Your orator further shows that on the twentieth day of December, A. D. 1878, by an instrument in writing then duly executed and afterwards recorded in the Patent Office, the said McGaffey assigned to your orator the said invention and letters patent, as by said instrument, or a duly certified copy thereof, in court to be produced will fully appear.

5 Your orator further shows that the said Ives W. McGaffey, previous to the twenty-eighth day of February, A. D. 1882, surrendered said letters patent, with your orator's consent, for good and lawful cause, and filed a petition with the Commissioner of Patents for the reissue thereof; whereupon, having complied with all the requirements of the law in that regard, certain reissued letters patent duly signed, sealed, and executed, and in due form of law, were issued to your orator for the said invention, which reissued letters patent bear date the twenty-eighth day of February, A. D. 1882, and are numbered 10047, and thereby there was granted to your orator, his heirs and assigns, for the residue of the term of said original letters patent, the full and exclusive right and privilege of making, using, and vending the said invention, a description whereof was contained in the specification, a copy of which was annexed to and made a part of said reissued letters patent, as by the said reissued letters patent, or a duly certified copy thereof, herein court to be produced will more fully appear.

And your orator attaches hereto and make a part of this bill of complaint a copy of the specification so annexed to said reissued letters patent, and marks the same "Exhibit A."

6 Your orator also shows that he is the sole owner of said reissued letters patent No. 10047, and of all the rights and privileges granted, or intended so to be, in and by said reissue-letters patent No. 10047; that such rights and privileges have been and are of great pecuniary benefit and advantage to your orator who has heretofore been in the exclusive possession and enjoyment

thereof, and would now be in such exclusive possession and enjoyment but for the infringements by the defendants hereinafter complained of; that the said invention has been extensively used by the public, and that the public have generally acquiesced in your orator's said exclusive property therein as well as in the validity of said letters patent.

Your orator further shows that the defendants, well knowing the premises, but contriving to injure your orator and to deprive him of the benefits and advantages which might and otherwise would accrue to him, did, after the date of said reissue-letters patent and previous to the commencement of this suit, at Rockford, in said district and elsewhere, without the license of your orator and against his will and protest, and in violation of right and in infringement of said reissue- letters patent, unlawfully and wrongfully make or cause to be made, use or cause to be used, vend or cause to be vended, the invention and improvement patented by said reissue- letters patent, and still continue and threaten to continue so to do in violation of your orator's rights aforesaid.

Your orator further show that the defendants have had notice of your orator's rights in the premises and that they were infringing thereon, and they have been requested to desist therefrom, but notwithstanding such notice and request the defendants still continue such unlawful acts of infringement.

All of which acts and doings of the defendant- are contrary to equity and good conscience and tend to the great loss and injury of your orator, and have caused him great damage and deprived him, and are still depriving him, of great gains and profits which he might and otherwise would have obtained and received.

Your orator further shows, upon information and belief, that the defendants have made and realized large profits and advantages from the using, making, and vending of said patented invention to which your orator is entitled and whereof he prays a discovery.

7 To the end, therefore, that the defendants may, if they can, show why your orator should not have the relief hereby prayed, and may, according to the best and utmost of their knowledge, remembrance, information, and belief, full, true, direct, and perfect answer make to all and singular the matters aforesaid (your orator hereby waiving, pursuant to the statute, the necessity of the answer of the defendants being put in under their oaths), and that as fully and particularly as if the same were here repeated, and they were distinctly interrogated thereto.

That the defendants may be compelled to account for and pay over the profits by them acquired, and the damages by your orator sustained from the aforesaid unlawful acts of the defendants; and that the defendants, their agents, servants, workmen, and attorneys be perpetually enjoined from directly or indirectly making, or causing to be made, using, or causing to be used, vending, or causing to be vended, or in any way counterfeiting or imitating the said invention, or any part thereof, and that they be particularly enjoined from making, using, or selling any fountain hose-carriages like those heretofore made and sold by them; also, that the defendants, and

the persons aforesaid, be enjoined in manner as aforesaid, provisionally and pending the suit; also that the defendants be decreed to pay the costs of this suit to be taxed, and that your orator may have such further or other relief in the premises as the nature of the circumstances of this case may require, and to your honors shall seem meet.

May it please your honors to grant unto your orator a writ of injunction issuing out of and under the seal of this honorable court, to be directed to the said defendants and their attorneys, solicitors, agents, and servants, commanding and restraining them, and each of them, as hereinbefore prayed.

May it please your honors to grant unto your orator a writ of subpœna, to be directed to the said defendants, Alpheus B. Manard and James W. Manard, thereby commanding them, at a certain time, and under a certain penalty therein to be limited, personally to appear before this honorable court and then and there to answer the premises, and further to stand to, perform, and abide such order and decree therein as to your honors shall seem agreeable to equity and good conscience.

And your orator will ever pray, &c.

EVERETT B. PRESTON.

MUNDAY, EVARTS & ADCOCK,
Solicitors for Complainant.
EDW'D S. EVARTS,
Of Counsel.

8 UNITED STATES OF AMERICA, }
Northern District of Illinois, } *ss:*

On this thirteenth day of April, A. D. 1882, before me personally appeared the above-named Everett B. Preston and made oath that he has read the above bill by him subscribed and knows the contents thereof, and that the same is true of his own knowledge, except as to matters which are therein stated on information and belief, and as to those matters he believes it to be true.

[NOTARIAL SEAL.] H. M MUNDAY,
Notary Public.

(Endorsed:) Filed April 13, 1882. Wm. H. Bradley, clerk.

On the same day, to wit, on the thirteenth day of April, 1882, there issued out of said clerk's office a writ of subpœna in
9 said entitled cause, which said writ, together with the return of the marshal endorsed thereon, is in the words and figures following, to wit:

Subpœna.

UNITED STATES OF AMERICA, }
Northern District of Illinois, } *ss:*

The United States of America to Alpheus B. Manard and James W. Manard, Greeting:

We command you, and every of you, that you appear before our

judges of our circuit court of the United States of America for the northern district of Illinois, at Chicago, in said district, on the first Monday in the month of May next, to answer the bill of complaint of Everett B. Preston, this day filed in the clerk's office of said court in said city of Chicago, then and there to receive and abide by such judgment and decree as shall then or thereafter be made, upon pain of judgment being pronounced against you by default.

To the marshal of the northern district of Illinois.

Witness the Hon. Morrison R. Waite, Chief Justice of the Supreme Court of the United States of America, at Chicago aforesaid, this 13th day of April, in the year of our Lord one thousand eight hundred and eighty-two, and of our Independence the 106th.

[Seal of Court.]

WM. H. BRADLEY, *Clerk.*

10 *Memorandum.*

The above-named defendants are notified that unless they, and each of them, shall enter their appearance in the clerk's office of said court, at Chicago aforesaid, on or before the day to which the above writ is returnable, the complainant's bill will be taken against them as confessed, and a decree entered accordingly.

W. H. BRADLEY, *Clerk.*

Marshal's Return.

I have served the within writ within my district in the following manner, to wit:

Upon Alpheus B. Manard, therein named, on the 24 day of April, A. D. 1882.

Also upon James W. Manard, therein named, on the 24 day of April, A. D. 1882.

Marshal's fees:

2 services	$4 00
2 copies	1 00
93 miles	5 58
Rockford	
	$10 58

A. M. JONES, *U. S. Marshal,*
By W. D. RINGLAND, *Deputy.*

Endorsed: Filed April 24th, 1882. Wm. H. Bradley, clerk.

11 Afterwards, to wit, on the nineteenth day of May, 1882, came the defendants, by their solicitor, and filed in said clerk's office their appearance in said entitled cause; which said appearance is in the words and figures following, to wit:

Appearance.

UNITED STATES OF AMERICA, } ss:
Northern District of Illinois. }

In the Circuit Court, in the Northern District of Illinois.
In Equity.

EVERETT B. PRESTON *vs.* ALPHEUS B. MANARD & JAMES W. MANARD.

And now comes C. M. Brazee, one of the attorneys and solicitors of this court, and enters his appearance for the defendants in the above-entitled cause as of the first Monday of June, 1882.

C. M. BRAZEE,
Of Counsel & Sol. for Def'ts.

Endorsed: Filed May 19, 1882. W. H. Bradley, clerk.

On the same day, to wit, on the nineteenth day of May, 1882, there was filed in said clerk's office a stipulation in said entitled cause; which said stipulation is in the words and figures following, to wit:

12 *Stipulation.*

Circuit Court of the United States for the Northern District of Illinois. In Equity.

EVERETT B. PRESTON
vs.
ALPHEUS B. MANARD and JAMES W. MANARD.

It is hereby stipulated by complainant that recovery is sought in this case only upon the claims numbered 1, 2, 4, and 9 of the patent sued upon.

Chicago, May 3, 1882.

MUNDAY, EVARTS & ADCOCK,
Complainant's Solicitors.

(Endorsed:) Filed May 19, 1882. Wm. H. Bradley, cl'k.

Afterwards, to wit, on the 12th day of June, 1882, came the defendants, by their solicitor, and filed in said clerk's office their answer in said entitled cause, which said answer is in the words and figures following, to wit:

13 *Answer.*

Circuit Court of the United States, Northern District of Illinois. In Equity.

STATE OF ILLINOIS, } ss:
Winnebago County, }

EVERETT B. PRESTON
vs.
ALPHEUS B. MANARD and JAMES W. MANARD.

The joint and several answers of Alpheus B. Manard and Jas. W. Manard, defendants, to the bill of complaint of Everett B. Preston, complainant:

These defendants now, and at all times hereafter, saving and re-

serving unto themselves all and all manner of right and advantage of exception to the manifold errors, encertainties, and insufficiencies in the said bill of complaint contained, for answer thereunto, or to so much or such parts thereof as they are advised is or are material to make answer unto, answering, say that—

They deny that Ives W. McGaffey became and was the original and first inventor of any improvement in fountain hose reels not known or used by others before his said invention thereof, or not in public use or on sale for more than two years before his application for a patent thereof, or previous to the 7th day of July, 1876.

But defendants admit that certain letters patent, numbered 183,188, signed, sealed, and executed in due form, were issued to said
14 McGaffey for what he claimed to be an invention of an improved fountain hose carriage, as in said bill alleged. And these defendants say that the first claim to said patent was void, and has so been declared by this court, and they are informed and advised by counsel that the other claims of said patentee are and were of no force or effect against these defendants, so far as they have ever manufactured hose carriages or any feature thereof.

Defendants say that they are informed and believe that the said McGaffey, on or about December 20th, 1878, assigned said letters patent to the plaintiff, but ask production of said assignment.

Defendants say that they have no knowledge as to whether said Ives W. McGaffey, prior to February 8th, 1882, surrendered said letters patent with consent of the complainant or not, or whether he filed a petition with the Commissioner of Patents for the reissue of such patent, or what particular steps were taken by said complainant and said McGaffey, but they leave the same to be proven by said complainant.

But defendants admit that certain pretended letters patent, known as reissued letters patent and numbered 10047, dated February 28th, 1882, were issued from the United States Patent Office to said Ives W. McGaffey, assignor to the complainant, and which are the letters patent sued upon in this case, and they admit, from the statement of the complainant, but not otherwise, that he is the sale owner of said reissued letters patent numbered 10047, and of whatever rights are legally secured thereby.

But these defendants further deny that this said patent, or
15 the rights secured or so pretended to be secured thereby, are of any great value, and they deny that the public have generally acquiesced in the claim of the complainant to the benefits pretended to be secured to him by said patent.

And these defendants further say that said reissued letters patent are illegal and void, as having been issued and executed so as to cover or claim, and because said complainant seeks to cover and claim, other and different devices than was or were contained in, secured or covered by, said original letters patent, numbered 183,188, and for proof thereof defendants refer to said original patent and said reissue, and to the specifications, drawings, and claims in each thereof. And defendants say that said original letters patent were not inoperative or defective by reason of any inadvertence, accident,

or mistake, and without fraudulent or deceptive intention on the part of said McGaffey; but defendants say that said original letters patent were adjudged by this court inoperative and of no effect as against said defendants, as originally issued, because they did not cover the same devices contained in defendants' machine. And when complainant learned of this decision of the court in a former case in equity in this court, between the same parties, he saw what he thought a defect in his patent, as pointed out and suggested by the court, and then he surrendered his patent and obtained his reissue with the fraudulent and deceptive intention, as the defendants charge, of injuring and defrauding the defendants, and of claiming something not intended to be claimed in his original patent. And defendants claim and insist that the surrender of the said original patent and the said reissues are illegal and unauthorized under the law, and are a fraud upon the rights of defendants, and they ask the same right to interpose the said former decision and judgment of this court in said former case as though it had been formerly pleaded.

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And these defendants say that the said patented inventions in said reissued letters patent described, specified, and claimed, nor either or any of them is, or are, new and useful, nor is the pretended machine therein described new or novel, but is old and not the subject of invention, and is not patentable, and that the claiming of a hose reel of large diameter in combination is not a subject of invention but of mere construction, and is neither novel nor useful.

And defendants claim and insist that said McGaffey is and was not the original and first inventor of the several devices in the said reissued patent claimed, and they say that the material and substantial parts and features of said machine in said patent described had been previously invented by others, and had been in public use for more than two years prior to the application for said original patent.

And defendants say that to prove prior invention, public use, and want of novelty, they will refer to and introduce in evidence copies of the following patents, to wit:

No. 36438, Lee & Alden, patented September 9th, 1862.
No. 121,949, J. J. Lessler, lawn sprinkler, Dec. 19th, 1871.
No. 144,415, C. Rider, garden hose rests, Nov. 11th, 1873.
No. 18421, Willar Sturgis and McFall, hose carriage, October 13th, 1857.
No. 127,277, Shaw & Ashley, large hose cart, May 28th, 1872.
No. 137,175, R. Buies, lawn sprinkler, March 25th, 1873
No. 137,802, H. C. Smith, garden hose holder, April 15th, 1873.
No. 144,415, C. Ryder, garden hose rests, Nov. 11th, 1873.

17

No. 152,849, Lee & Klay, hose carriage, July 7th, 1874.
No. 160,220, P. Miller, garden sprinkler, Feb'y 23rd, 1875.
No. 167,851, J. A. Miller, hose rest, Sept. 21st, 1875.
No. 180,007, G. H. Copping, lawn sprinkler, July 18th, 1876.
No. 169,344, O. Edwards, hose holder, Nov. 2nd, 1875.

And defendants will also introduce in evidence, title "hose-reel" and Plat's "reel for garden hose," on page 1132 of volume two of "American Mechanical Dictionary," by Knight, and as witnesses

James W. Manard and Jacob Behel, of Rockford, Illinois, and P. Miller, residence not known; also A. Adams, of Cleveland, Ohio, and George B. Thompson, of St. Louis, Mo.

And defendants, further answering, deny that they or either of them, since the date of said reissued letters patent, or at any other time, at Rockford, or any other place, in violation of the rights of complainant or in infringement of said reissued letters patent, have made or caused to be made, used or caused to be used, vended or caused to be vended any invention or improvement claimed or covered or secured to the complainant by said patent, or that they continue or threaten so to do.

Defendants deny that they, or either of them, have by any illegal act or acts injured or damaged the complainant, as alleged in the bill of complaint.

And these defendants deny that they were ever notified to desist from making any machines, or from infringing said reissued letters patent.

And these defendants deny all and all manner of unlawful
18 acts and doings wherewith they are charged in and by said bill of complaint, without this that there is any other matter, cause, or thing in the complainant's said bill of complaint contained, material or necessary for these defendants to make answer unto, and not herein and hereby well and sufficiently answered, confessed, traversed, and avoided or denied, is true to the knowledge or belief of these defendants; all which matters and things these defendants are ready and willing to maintain and prove as this honorable court shall direct, and pray to be hence dismissed with their reasonable costs and charges in this behalf most wrongfully sustained.

ALPHEUS B. MANARD.
JAMES W. MANARD.

C. M. BRAZEE, *of Counsel,*
Solicitor for Defendants.

Endorsed: Filed June 12th, 1882. William H. Bradley, clerk.

Afterwards, to wit, on the twenty-fourth day of June, 1882, came the complainant, by his solicitors, and filed in said clerk's office his replication to the answer of the defendants in said entitled cause, which said replication is in the words and figures following, to wit:

19 *Replication.*

Circuit Court of the United States for the Northern District of Illinois.
In Equity.

EVERETT B. PRESTON
vs.
ALPHEUS B. MANARD and JAMES W. MANARD.

The replication of Everett B. Preston, plaintiff, to the joint and several answers of Alpheus B. Manard and James W. Manard, defendants.

This repliant, saving and reserving to himself all and all manner

of exception to the manifold insufficiencies of the said answer, for replication thereunto saith that he will aver and prove his said bill to be true, certain, and sufficient in the law to be answered unto; and that the said answer of the defendants is uncertain, untrue, and insufficient to be replied unto by this repliant, without this that any other matter or thing whatsoever in the said answer contained, material or effectual in the law to be replied unto, confessed, and avoided, traversed or denied, is true; all which matters and things this repliant is and will be ready to aver and prove as this honorable court shall direct; and humbly prays as in and by his said bill he hath already prayed.

20 EVERETT B. PRESTON,
By MUNDAY, EVARTS & ADCOCK,
His Solicitors.

(Endorsed:) Filed June 24, 1882. Wm. H. Bradley, cl'k.

And afterwards, to wit, on the fourteenth day of November, 1882, there was filed in said clerk's office a stipulation in said entitled cause, which said stipulation is in the words and figures following, to wit:

21 *Stipulation Extending Time.*

Circuit Court of the United States for the Northern District of Illinois. In Equity.

EVERETT B. PRESTON *vs.* A. B. MANARD *et al.*

It is hereby stipulated that at the hearing of this cause either party may use or read from the testimony taken or used in the previous suit between the same parties, as desired, and the testimony so read or used shall have the same effect as though taken in this cause.

It is also stipulated that the complainant may have until December 1st next in which to take his *prima facie* proofs, and the defendant shall take his proofs by February 1, 1883.

C. M. BRAZEE,
Sol. for Def'ts.

(Endorsed:) Filed Nov. 14, 1882. Wm. H. Bradley, cl'k.

22 On the same day, to wit, on the fourteenth day of November, in the adjourned October term of said court, 1882, in the record of the proceedings thereof in said entitled cause, before Hon. Henry W. Blodgett, district judge, is the following entry, to wit:

Order.

EVERETT B. PRESTON
vs.
ALPHEUS B. MANARD *et al.* } In Chancery.

On motion of Mr. Evarts, complainant's solicitor, and as per stipu-

lation this day filed herein, the time for the complainant to take proof herein is hereby extended to the first day of December next.

Afterwards, to wit, on the twenty-fourth day of March, in the adjourned March term of said court, 1885, in the record of the proceedings thereof in said entitled cause, before Hon. Henry W. Blodgett, district judge, is the following entry, to wit:

Order.

EVERETT B. PRESTON
vs.
ALPHEUS B. MANARD and JAMES W. MANARD. } In Chancery.

Now come the parties, by their solicitors, and the court
23 having considered the matters heretofore submitted herein, finds the equities with the defendants; and it is ordered and adjudged that this cause be dismissed at the complainant's costs, and that execution issue.

Thereupon the complainant, by his solicitor, prays an appeal herefrom to the Supreme Court of the United States, which is allowed upon his giving bond within sixty days in the penal sum of five hundred dollars, to be approved by the court.

24 On the hearing of said cause, on the same day, to wit, the twenty-fourth day of March, 1885, the certificate of evidence in said cause was filed in said clerk's office, and is in the words and figures following, to wit:

Certificate of Evidence.

Circuit Court of the United States for the Northern District of Illinois. In Equity.

EVERETT B. PRESTON
vs.
ALPHEUS B. MANARD & JAMES W. MANARD.

It is hereby certified that at the hearing of this cause the following depositions, exhibits, and models were considered, viz:

Depositions.

For complainant, Ives W. McGaffey.
Do. Ives W. McGaffey.
Do. Job E. Willets.

25 *Deposition of Ives W. McGaffey.*

JULY 14TH, 1880—nine o'clock a. m.

And thereupon IVES W. MCGAFFEY, a witness on behalf of complainant, was produced and sworn and examined in chief by J. W. Munday, Esq., as follows:

Q. 1. What is your name, age, residence, and occupation?
A. Ives W. McGaffey; my age, 44; Chicago, Ills.; pattern and model maker.

Q. 2. Have you any interest pecuniarily in the event of this suit?
A. I have not.
Q. 3. Are you the patentee of the patent sued on?
A. I am.
Q. 4. Previous to the date of your patent No. 183,188, and dated October 10th, 1876, and previous to the date of your application therefor, July 7th, 1876, what was the condition of the trade in in fountain hose carriages?
A. There was absolutely no trade, nor any fountain hose reels in the market, or manufactured in any part of the United States, for sale, except the one patented to me as above.
Q. 5. Previous to that time—that is, previous to your application for the patent sued on in this cause—what oppliances were in use for taking care of garden hose, so far as your knowledge goes?
26 A. The only devices in use prior to the season of 1876 were what we termed the wheelbarrow reels, consisting of a frame work similar to a wheelbarrow, with a drum mounted upon it between the wheels and the handles, and the kind in which the heads of the reel drum formed the carrying wheels, and I know of no reels, except my own, as above specified, which possessed any other feature or function except to hold and carry the hose from place to place.
Q. 6. Please state, if you are able, to what extent these appliances, which were in the market previous to the season of 1876, were sold.

Objected to, as it does not appear that the witness had any knowledge of the trade.

A. To the best of my belief, after consulting with the manufacturers of several of the kinds that were offered for sale prior to 1876, there was never more than one or two hundred sold in any season to the consumers, and I believe not one hundred.

Answer objected to, as the belief of the witness — obtained from hearsay, and not a knowledge.

Q. 7. Mr. McGaffey, did you, at the time you began to introduce your invention, make any effort to ascertain the condition of the trade in garden hose appliances in 1876?
A. I did. I think I am familiar with hose reels and hose reel trade, both before and since that time.
Q. 8. Beginning with the season of 1876, please state, from your knowledge of the trade, first, what has been the growth, if any, of the trade in those garden hose reels which were upon the market previous to 1876; and, second, what has been the growth of the trade in fountain hose carriages containing your patented invention, which is the subject of this suit.
A. I don't think there has been, since 1876, any of the reels manufactured, such as were for sale prior to the introduction of my fountain reel, in 1876. If so, certainly a very limited number. In the season of 1876 1,000 of my fountain reels were manufactured,

27 and a royalty was paid to me for that number. In 1877 I received a royalty for somewhat over 4,000, reported as kept by books and records kept for the purpose of determining the number. I then sold my patent to the plaintiff in this case, and can only determine the number sold since that from information obtained from E. B. Preston and traveling salesmen in the business and personal observation; but am satisfied that in 1878 between 7,000 and 8,000 fountain reels were sold, and in 1879 10,000. This present season of 1880 very nearly 15,000 have been sold.

Answer objected to so far as relates to royalty paid, and so far as information derived from E. B. Preston and his salesmen, and so far as relates to information derived from any traveling salesmen.

Q. 8. Please state briefly the several characteristics of a successful fountain hose carriage?

A. Well, first, it must have a drum of such form and size as will admit the water passing through the hose when partly coiled up, and there must be some provision or device for holding a nozzle and poising it so that the water may be thrown the desired direction while a portion of the hose remains coiled on the reel, and so constructed that the apparatus may be moved from place to place, taking up or paying out the hose without shutting off the water, and provisions made for fixing the apparatus upright, with a nozzle holder at or near its upper portion, and a device for holding the reel drum in position when the nozzle is attached to it instead of the frame-work, so as to keep the nozzle properly poised.

Q. 9. Do you or do you not find each of these characteristics in the fountain hose carriage, which I now show you, and please state what that hose carriage is and what it represents?

A. I do find these several characteristics in the reel shown me, and I recognize it as the reel patented by me in 1876, numbered 183,188, and it is exactly like it in all essential respects, and like the drawings.

28 The fountain hose carriage shown to the witness is offered in evidence, and the same is marked "Complainant's Exhibit No. 5, H. M. M., N. P."

Q. 10. Please look at the other hose carriage here present, marked Complainant's Exhibit No. 4, the same being the defendants' fountain hose carriage, and state whether or not you find therein the characteristics which you have named in your answer to the 8th question.

A. I do find, first, a drum designed to admit the water to pass around it through the hose when coiled upon it; I find also clasps for holding the nozzle both at or near the upper end of the frame work, and on the reel proper; and I find that the structure is devised purposely so that the frame-work and wheels form a base support to maintain the structure in an upright position, suitable to be used as a fountain as well as a hose carriage; I also find a lock for fastening and poising the nozzle when the nozzle is held by the clasp that is on the reel, arranged substantially as and for the purposes shown in Complainant's Exhibit No. 5.

Q. 11. Do I understand you to mean that you do or do not find in Complainant's Exhibit No. 4 the characteristics which you have named in your answer to the 8th interrogatory?

Objected to because the witness has already stated what he found.

A. I meant to say in my last answer, most emphatically, that I did find them for the reasons pointed out in detail.

Q. 12. Do you, or do you not, consider that the Complainant's Exhibit No. 4, the same being the defendants' hose reel, contains your invention as pated in the patent Complainant's Exhibit No. 1, being the patent sued on in this cause.

Objected to as it is not yet shown in evidence that Complainant's Exhibit No. 4 is defendants' hose reel, and because it asks for the consideration of the witness, and not facts.

29 A. I do consider that said Exhibit No. 4 does contain features secured to me by my said letters patent, very clearly and very distinctly.

Q. 13. Do you happen to know, Mr. McGaffey, whether or not the defendants, and especially the gentleman here present, Mr. J. W. Manard, were notified, previous to their engaging in the manufacture of fountain hose carriages, of the existence of your patent, Complainant's Exhibit No. 1?

A. I do know that both myself and Mr. E. B. Preston, at Mr. E. B. Preston's office, did so notify the defendant in this case, and we explained to him our patents, their scope and intent, and implored the defendant not to engage in the manufacture and sale of the said reels. This, I think, was in February, 1879, prior to the last two seasons of reel trade.

Q. 14. Do you know the style of fountain hose carriage being manufactured by the defendants at Rockford, and which they have put upon the trade for the past two seasons?

A. I do, from information, but have not been to their shop to see them made.

Q. 15. Is it or is it not a matter of common notoriety in the trade that the defendants are making and selling reels like complainant's reel No. 4?

Objected to as attempting to prove notoriety when there is other and better proof, and is generally improper.

A. It is.

Answer objected to.

Counsel for complainant offers in evidence a copy of the specifications and drawings of the letters patent granted to James W. Manard October 22, 1878, for improvement in hose reels, No. 209,278, certification of the same being waived by defendant's counsel, and the same is marked Complainant's Exhibit No. 6.

H. M. M., *N. P.*

Q. 16. When did you first build a full-sized fountain hose carriage embodying the invention patented to you in the patent sued upon?

30 A. I completed the first fountain hose reel embodying the said invention the latter part of July, 1874, and used it the balance of that season at my residence, No. 1002 West Adams street, Chicago.

Cross-examination by Mr. BRAZEE, Esq., counsel for defendants:

X Q. 1. Is it not a fact that the use and demand for garden hose reels has been a matter of very recent date, and, in fact, mostly subsequent to 1876?

A. It is a fact.

X Q. 2. Has not the use of garden hose been brought into demand almost entirely through the introduction of various patented systems of water works?

A. I think it has.

X Q. 3. Has not the introduction of these patented systems of water works been largely and almost entirely since 1875?

A. No, sir. There has not been, probably, an increase of over 10 per cent., except from natural increase of cities. All large cities, prior to that time, had hydraulic water works, and large quantities of hose were used.

Last part of the answer objected to as volunteered upon the part of the witness.

X Q. 4. Is it not a fact that the general use by the citizens of water works in cities supplied with them has largely increased since 1875?

A. I think it has.

X Q. 5. Do all garden hose reels have a device for winding the hose upon?

A. All that I have ever seen have.

X Q. 6. Is that termed by you the drum, in answer to your direct interrogatory 8th?

A. It is.

X Q. 7. Then what you call a drum in Complainant's Exhibit No. 5 is, in reality, the reel, is it not?

31 A. The terms are synonymous with me. I have sometimes called it a drum, and sometimes a reel, meaning the apparatus upon which the hose is coiled.

X Q. 8. Do you not find in Complainant's Exhibit No. 4 a veritable drum, attached to or built in the reel, upon which to wind the hose?

A. I do not find what, strictly speaking, is called a drum, as I first learned the expression in June trainings at muster time. I find the reel covered with a sheeting which makes it resemble a veritable drum somewhat more than reel No. 5.

Answer objected to as impertinence on the part of the witness.

Counsel for complainant desires to have it stated that there has not appeared, up to this time, in the manner of the witness, anything like impertinence, and which would justify the objection just entered by the gentleman, and he hopes the objection was not en-

tered for the purpose of casting discredit upon the testimony of the gentlemanly witness now upon the stand.

X Q. 9. Is not the sheeting spoken of in your last answer properly called a drum, in a mechanical sense, if not in military?

A. I think it may be so called properly.

X Q 9½. Point out and describe on Exhibit 5 the several features that you mention in your answer to direct interrogatory 8th?

(Question withdrawn by defendant's counsel.)

X Q. 10. What holds the reel stationary in Exhibit No. 5?

A. It is a thumb-screw connected with the reel, and pressing against the spindle upon which the reel turns.

X Q. 11. What perform that same office or holds the drum in position in Exhibit No. 4?

A. It is a spring pawl acting with a ratchet wheel.

X Q. 12. What holds the nozzle in position, as you have spoken about on the reel, Exhibit No. 5?

A. It is the clasp on the side of the reel, acting with the set screw at the hub.

32 X Q. 13. What you term a clasp is a metal hook, is it not, screwed upon the side of the reel, as shown on Exhibit 5?

A. I have termed all the devices clasps which have been used on my reels, including the said hook.

X Q. 14. What is your device, referred to in this answer to interrogatory No. 8, used for holding the nozzle perpendicular on Exhibit No. 5, on the standard?

A. It consists of a two-part friction clasp, which is adjustable by means of a thumb nut and bolt.

X Q. 15. The standard in No. 5 is vertical, is it not, when in proper position?

A. Yes; it is.

X Q. 16. What is the position of Exhibit 4, the handles, when in position for holding hose?

A. If it was on an exact horizontal plane, it would lean a trifle; but if on a slight incline, it would be vertical.

X Q. 17. Well, if it was on a plane, would it not lean some fifteen to twenty degrees from the vertical?

A. I find, by actual test by an instrument, that it leans 10 degrees from the vertical.

X Q. 18. What is the device used on Exhibit No. 4 for holding the hose on the drum in any one particular place?

A. I find a clasp, consisting of a rubber band with metal trimmings, attached to one or more of the arms of the reel.

X Q. 19. What is used on Exhibit No. 4 for holding the hose at the upper end of the handles, or on the brace at the upper end of the handles?

A. I find the same device that is used on the arms of the reel.

X Q. 20. In what respects do you claim, as stated in your answer to direct interrogatory No. 12, that Exhibit No. 4 contains features secured to you by letters patent upon which this suit is brought? Explain and specify those particular features, and nothing more.

33 First. It is a structure designed to set upright when at rest in its normal position, and its rear or base is constructed with a view to this end, the wheels and the frame-work constituting the bearing point to sustain it in this position.

Second. The size and form of the drum designed to allow water to pass through the hose when coiled upon it.

Third. Clasps upon the arms of the reel and upon the frame-work, for the purpose of holding and poising the nozzle so that the apparatus may be used as a fountain. And, lastly, a device for fastening and holding the reel proper so as to keep the nozzle properly poised when it is fixed in the clasps upon the reel, so that the water may play from the hose when the nozzle is attached to the reel, as well as when it is attached to the top of the frame-work.

X Q. 21. Did you at any time subsequent to October 10th, 1876, apply for and obtain letters patent for an improvement in hose carriages; and, if so, what was the number and date of the patent issued to you on such application?

A. I did make application for letters patent on February 24th, 1877, upon which letters patent were granted, dated May 1st, 1877, and No. 190,231.

X Q. 22. What means or construction are used to hold the standard in Exhibit No. 5, verticle, or, in other words, what is the base?

A. The extension of the upright standard by an iron or wooden attachment in connection with the carrying wheels.

Redirect by Mr. F. W. MUNDAY:

R. D. Q. 1. Have reels, according to your patent No. 190,431, just above mentioned, been manufactured and sold to any extent in this market?

A. They have. Every season since 1876, inclusive, a great many thousand.

R. D. Q. 2. Who owns that patent?

34 A. E. B. Preston, the complainant in this case, owns the whole of that patent.

Complainant's counsel here offers in evidence a copy of the specification and drawing of the patent referred to by the witness, and the same is marked Complainant's Exhibit No. 7, certification being waived by defendant's counsel.

Recross-examination by Mr. BRAZEE:

R. X Q. 1. Has E. B. Preston, the complainant, manufactured very many reels exactly like Exhibit 5 since 1877, so far as you know?

A. He has manufactured and sold thousands of them, or had them manufactured for him, precisely like it.

R. X Q. 2. What style of reel has he principally manufactured within the last two years?

A. I think he has made and sold about equal numbers of this reel, Exhibit No. 5, and the reels made after the patent introduced as Exhibit No. 7 in this case, and a modification of the last-named reel, a device consisting of two uprights, a cross-handle at the top,

the reel between these two uprights, the wheels and supports for maintaining it upright, substantially like the wheels and supports in Exhibit No. 5.

Q. X Q. 3. How many has he made after Exhibit No. 7 and the modification that you have spoken of, and how long has be been engaged in making those two styles? How many has he made of those two per year?

A. I am inclined to think he has made about two thousand of each per annum since 1877, and probably more than that number, shown in Exhibit No. 7, during the year 1877; but only about one hundred of the modification spoken of was made in 1877. None of them were constructed until the season was nearly over. Mr. Preston commenced the making of these reels in the season of 1877.

R. X Q. 4. How many of the modification were manufactured and sold during the season of 1879 and 1880?

35 A. I think about two thousand each season—probably more.

R. X Q. 5. Is the modified reel you spoke of shown in the plates, page 23, of E. B. Preston's trade list of January 1st, 1879?

A. It is; that is the reel referred to as the modified reel.

R. X Q. 6. Are you now in the employ of E. B. Preston, the complainant in this case; and, if so, how long have you been in his employ, and in what business?

A. I am not in Mr. E. B. Preston's employ now, and never have been, except in so far as giving my testimony in suits which he has been obliged to commence against parties infringing my patents.

R. X Q. 7. Are you interested in the way of receiving royalty upon the machine made by Mr. Preston, under patents issued to you? I mean hose reels.

A. I am not. I have sold my entire interest in these patents for a fixed amount to Mr. Preston, all of which has been paid. I would like to see Mr. Preston beat in these suits, as it is natural I would. I am only interested as inventor.

IVES W. McGAFFEY.

36 United States Circuit Court, Northern District of Illinois. In Equity.

EVERETT B. PRESTON
vs.
ALPHEUS B. MANARD and JAMES W. MANARD.

CHICAGO, *March* 30, 1881.

Examination of witnesses in behalf of the complainant, under the sixty-seventh rule in equity, as amended, pursuant to the
37 mutual agreement and consent of the parties, before H. M. Munday, a notary public, who acts by consent of the parties as special examiner.

Present for complainant, Messrs. Munday, Evarts & Adcock, and for defendants, C. M. Brazee, Esq.

Deposition of Ives W. McGaffey.

IVES W. MCGAFFEY, a witness produced and sworn on behalf of the complainant, deposes and says, in answer to interrogatories propounded to him by complainant's counsel, as follows:

Q. 1. What is your name, age, residence, and occupation?

A. Ives W. McGaffey; Chicago; my age, 45 years. I am a pattern maker by occupation.

Q. 2. Have you testified previously in this case?

A. I have.

Q. 3. I produce to you a fountain hose reel, and ask you to state who made it, if you know, and when?

Counsel for defendants objects to the question, because it is not proper rebutting evidence.

A. This fountain reel was completed by myself. Some portions of it was made by a man by the name of Wright, a pattern maker, and another portion by a Mr. Swift, at his shop on Clinton street, near Madison, in Chicago, Illinois. It was finished during the month of July, 1874, and was used by me from that time during the balance of that season, at my residence, No. 1002 West Adams street, Chicago.

Answer objected to as repetition, and as improper in rebuttal.

Q. 4. Do you know by whom and when it was invented; and, if so, please state?

Objected to as improper on rebuttal, and as repetition.

A. I claim to be the inventor of it; this, I believe, has never been disputed. It was invented between the first of June and the last of July, 1874.

Q. 5. In your previous deposition, in answer to question 16, you stated as follows: "I completed the first fountain hose
38 reel, emboying the said invention, the latter part of July, 1874, and used it the balance of that season at my residence, No. 1002 West Adams street, Chicago." Please state whether the reel now produced to you is the reel mentioned in that answer?

A. It is the identical reel. It has not been changed in any particular.

The reel is here introduced in evidence, and the same is marked "McGaffey's first reel. H. M. Munday, special examiner."

Cross-examination waived.

I. W. McGAFFEY.

Deposition of Job E. Willets.

And thereupon JOB E. WILLETS, a witness on behalf of the complainants, was produced, and, being duly sworn, testified as follows in answer to interrogatories propounded to him by E. S. EVARTS, Esq., of counsel for complainant:

Question 1. What is your name, age, residence, and occupation?

Answer. Job E. Willets; 49 years of age; my occupation, the manufacture of yeast cakes, at present. I live at 223 Campbell avenue, Chicago, Ills.

Q. 2. Do you know Ives W. McGaffey, of Chicago, and, if so, how long have you known him?

A. I have known him ever since about 18 years.

Q. 3. Have you been a neighbor of his and a caller at his house?

A. Yes, sir. I have never called myself. I have called at his yard. Our families have called upon each other; have visited back and forth almost every week.

Q. 4. Please to examine the fountain hose reel marked "McGaffey's first reel. H. M. M., spec. ex.," and state whether you ever saw it before?

39 A. Well, I have just examined it, and will say I have, or one so near like it that I cannot tell the difference. I saw it on exhibition in his yard.

Q. 5. When did you first see it?

A. Some time in the summer of 1874, in July or August. I cannot say positively which.

Q. 6. Was it in use, and was the hose wholly or partly unwound from it?

A. It was in use, and I cannot say positively whether it was unwound wholly or not. There was a good deal of it stretched away from it.

Q. 7. Is there any circumstance or event which enables you to fix this date, and, if so, please state it?

A. Yes, sir. I had a son born that summer, or fall rather, and I had changed my occupation from the Star Line Transportation Company to the State Mills that summer.

Cross-examination by C. M. BRAZEE, Esq., counsel for defendants:

X Q. 1. Is that son still living?

A. Yes, sir.

X Q. 2. What is his name?

A. Edward R. Willets.

X Q. 3. How do you know that the summer in which this son was born you saw the exhibit referred to?

A. Because it was the second season, summer or fall, that Mr. McGaffey moved a near neighbor to us.

X Q. 4. What makes you think it was the second season he lived there that you saw this exhibit first?

A. Well, the first year that he lived there he did not have and garden, and the second summer he did.

X Q. 5. Did he have a garden the third summer and the fourth summer that he lived there.

A. I don't know.

40 X Q. 6. Why don't you know that, as well as that he had a garden the second summer?

I. W. McGAFFEY,

Assignor, by mesne assignments, to E. B. PRESTON.

FOUNTAIN HOSE CARRIAGE.

No. 10,047. Reissued Feb. 28, 1882.

No. 932.
Preston
vs
Manard
} p 42.

Fig 1.

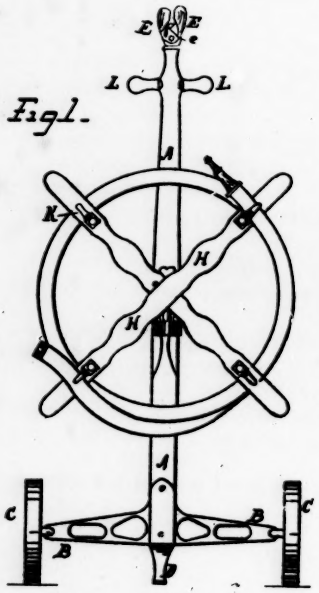


Fig 2.

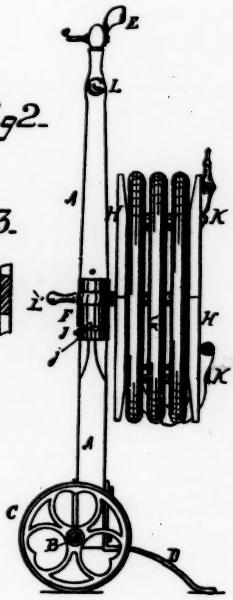
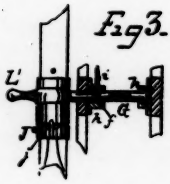


Fig 3.



WITNESSES—
J. Everett Brown
H. M. Munday.

INVENTOR—
Jos. W. McGaffey.
By Munday Evarts & Adcock
his Atty's.

A. Because he was watering his garden with that spray nozzle the first that I had ever seen of them.

X Q. 7. Did he not water his garden the third season that he lived there with this same exhibit?

A. I do not know.

X Q. 8. Why don't you know?

A. Because I never seen it.

X Q. 9. What makes you remember or say that it was the second summer that McGaffey watered his garden with this exhibit?

A. Because I know the first year he did not improve his yard at all, and the second summer he did.

X Q. 10. What number was Mr. McGaffey's place, the number and street, during the time you speak of?

A. I don't know.

X Q. 11. Is it where he now resides?

A. Yes, sir.

X Q. 12. What year did he move there?

A. It was some time in 1873.

X Q. 13. How do you know it was in 1873?

A. Well, I know by the business that I was in at that time.

X Q. 14. Was it not in 1876 that you saw Exhibit McGaffey's first reel in his garden?

A. It was not.

X Q. 15. Where do you now reside?

A. 223 Campbell avenue, Chicago.

JOB E. WILLETS.

41 *Documentary Exhibits Introduced by Complainant.*

Reissue patent No. 10047 to Ives W. McGaffey, assignor to E. B. Preston. Assignment, McGaffey to Preston, file-wrapper & contents of McGaffey's reissue application.

Letters patent No. 183,188 to Ives W. McGaffey.
Patent No. 190,231 to Ives W. McGaffey.
" " 209,278 " James W. Manard.

(Here follows diagram marked p. 42.)

43 UNITED STATES PATENT OFFICE.

IVES W. MCGAFFEY, of Chicago, Illinois, assignor, by mesne assignments, to E. B. PRESTON, of same place.

Fountain-Hose Carriage.

Specification forming part of reissued letters patent No. 10,047, dated February 28, 1882. Original No. 183,188, dated October 10, 1876. Application for reissue filed January 21, 1882.

To all whom it may concern:

Be it known that I, Ives W. McGaffey, of Chicago, in the county of Cook and State of Illinois, have invented certain improvements in fountain-hose carriages, of which the following is a specification:

In the accompanying drawings, which form a part of this specification, figure 1 is a front view of the improved combined portable fountain-standard and hose-reel. Fig. 2 is a side elevation of the same. Fig. 3 is a fragmentary sectional view of the reel-spindle, &c.

Like letters of reference made use of in the several figures indicate like parts wherever employed.

In the said drawings, A represents a standard, mounted upon an axle, B, to which are applied the wheels C C and a foot, D, so contrived, as shown, that when the device rests upon the tripod formed by the wheels and the foot the standard will assume an upright vertical position, to serve as a suitable fountain standard, and for this purpose the standard A is provided with a nozzle-holding contrivance applied to the upper end thereof, and consisting of a pair of shell-shaped halves, E E, which are secured to the standard by a thumb-screw bolt, *e*, through the flattened overlapping lower ends of the scrolls or shells serving to hold the contrivance in place; also, to afford a hinge upon which the halves may be opened; also, as a pivot upon which the thing as a whole may be set at various angles, and also as a means of locking the shells upon the nozzle to hold it in the required position.

Upon the standard A, at a suitable height from the ground, is a collar, F, fitted to turn loosely upon the standard. To this collar is affixed or made fast therewith the reel-spindle G, upon which is placed the hose-reel H, provided for this purpose with hollow hubs *h h*. A set-screw, *i*, through one of the hubs enters a groove, *f*, cut around the spindle, and serves to hold the reel from slipping off. It also serves as a means of locking the reel from turning, and also as a means for applying friction as a brake to prevent the reel from turning too freely, when desired, the two latter results being obtained by applying more or less friction, as required.

Below the collar F is a seating, J, upon which the collar rests. This seating is provided with stops *j j* at both sides and in front, so that the reel may be placed in three positions by simply raising the collar free from the stops and turning it—that is to say, it may be borne upon the standard in front, as shown in the drawings, or it may be swung around to either the right or left side.

In picking up or unreeling the hose it will be found convenient to swing the reel around to one side or the other, so that its axis will be parallel to the axis of the ground wheels. This adjustability to three positions on the standard also enables me to poise the nozzel more readily to different points when said nozzle is held by one of the clasps K on the face of the outer reel-arms, instead of by the holder at the top of the standard. The clasps K, it will be noticed, are secured to the face of the outer reel-arms, and they serve not only as a means for holding the nozzle, when desired, but also for holding the butt of the hose when it is all reeled in, or for holding an intermediate part when the butt is connected to the hydrant.

The handles L L, near the top of the standard, are to afford a grasp in wheeling the apparatus about from place to place. Another handle, L′, projecting to the rear from the collar, serves as a hold for the other hand in shifting about and adjusting.

In operation the butt of the hose may be attached to the hydrant, and the body of the hose being upon the reel, the standard and reel may be wheeled along to the place desired, paying out hose as it goes. More or less hose may be thus paid out, and the nozzle being poised to its work, it may remain in operation for a time in a fixed position or at rest; or the apparatus may be moved about from place to place and the hose taken up or paid out to suit, while the water is playing as well as when shut off. The reel being supported at a considerable height from the ground renders it possible to employ a reel of a sufficient diameter so that the water will freely flow through the portion of the hose wound thereon.

It will be seen, therefore, that the apparatus may be used as a lawn fountain or sprinkler and moved from place to place without touching the hose with the hands, thus avoiding the dirt and wet;
44 and also that the hose may be taken up or paid out from the standard itself as it is moved about, which is a better way than having the standard at one place and the reel at another, or than having no reel, because the work may be all attended to at the standard, and no more hose left on the ground than is absolutely necessary. With a view to this method of using the apparatus, a peculiar feature of the reel consists in the fact that the hose is wound upon four separate points or bars. This, in connection with the large diameter of the reel, facilitates the discharge of the water. To make this clear it is necessary to understand that each bar is liable to make a dent upon the inner side of the hose. This dent the water passing through will straighten out; but the effort to straighten the dent will cause a tendency of the hose to rise at this point and in the part of the hose between the bars to recurve or bend toward the center of the reel. Now, if a solid drum is employed, or a reel composed of a large number of bars, this rising and recurving tendency is resisted by the intermediate points or bars, and the dent or flattening or compression resists the water and will not straighten out. By sufficiently loosening the set-screw, so that it will clear the groove in the spindle, the reel may be taken entirely off from the standard, and the latter in such case may be used as a plain reelless fountain-standard.

Having thus fully described my invention, what I claim as new, and desire to secure by letters patent, is—

1. The combined hose-carriage and fountain-standard, consisting in the combination of the following elements, viz: A wheeled carriage provided with a foot or brace, by means of which it may be sustained in an upright vertical position, a nozzle-holding device, and a reel of large diameter to allow the water to flow through the hose when partially wound thereon, substantially as specified.

2. The combination of a hose-reel of large diameter to allow the water to flow through the hose wound thereon, with a wheeled carriage for carrying said reel, provided with a foot or brace for sustaining it in an upright position, and devices for holding the nozzle both on the carriage and the reel, substantially as specified.

3. The reel pivoted in two ways to the standard, one pivot being its own axis for reeling and unreeling the hose, and the other pivot

at right angles thereto, allowing the reel to swing around the standard, substantially as specified.

4. The combination, with a hose-reel of large diameter to permit the water to flow through the hose wound thereon and adapted to be fixed in position on its axle, of devices for holding the nozzle on the arms of the reel, substantially as specified.

5. The combination of the reel, the standard, and the sleeve which suppots the former upon the latter, together with the stops upon the sleeve for locking it in several positions, substantially as specified.

6. The peculiarly-constructed clasp upon the top of the standard for holding the nozzle, consisting of two shell-like halves secured by a single bolt through the standard, which bolt serves as a pivot upon which the device may be adjusted, as a hinge upon which it may be opened, and as a means of locking it in the desired position when attained, substantially as specified.

7. The wheeled reel-bearing standard, having handles L L near the top and the handle L′ near the middle, substantially as specified.

8. The reel carried upon a spindle having grooves cut around it, in combination with the set-screw through the reel-hub, substantially as specified.

9. The combination, with a fountain-standard provided with wheels, of a hose-reel of large diameter to allow the water to flow through the hose wound thereon, substantially as specified.

IVES W. McGAFFEY.

Witnesses:
H. M. MUNDAY.
EDW. S. EVARTS.

45 DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE.

To all persons to whom these presents shall come, Greeting:

This is to certify that the annexed is a true copy from the records of this office of an assignment from I. W. McGaffey to E. B. Preston, recorded in liber Q^{23}, page 344, and that said annexed copy has been compared by me with the original, and that it is a correct transcript therefrom and of the whole of said original.

In testimony whereof I, E. M. Marble, Commissioner of Patents, have caused the seal of the Patent Office to be hereunto affixed this twenty-second day of June, in the year of our Lord one thousand eight hundred and eighty, and of the Independence of the United States the one hundred and fourth.

[Seal Patent Office United States of America.]

E. M. MARBLE,
Commissioner.

46 *Assignment of Patent.*

Liber Q^{23}, p. 344.

Whereas I, Ives W. McGaffey, of Chicago, in the county of Cook and State of Illinois, did obtain letters patent of the United States of America for certain improvements in hose reels, known as foun-

tain hose carriages, one of which letters patent bear date the tenth day of October, eighteen hundred and seventy-six, and are numbered —, and the other bears date May the first, eighteen hundred and seventy-seven, and have not, previous to the delivery of this deed, disposed of any part of or interest in the said patents, except by contract to E. B. Preston, the party to this assignment;

And where- the said E. B. Preston is now desirous of acquiring all the interest of the above two patents:

Now, this indenture witnesseth, That for and in consideration of the sum of one dollar, to me, the said Ives W. McGaffey, in hand paid, the receipt of which is hereby acknowledged, I have assigned, sold, and set over, and do hereby assign, sell, and set over, unto
47 the said E. B. Preston all the right, title, and interest which I have in the said invention, as secured to me by said letters patent, for, to, and in the whole of the United States, including all reissues or extensions that may hereafter be obtained thereon, the same to be held and enjoyed by the said E. B. Preston for his own use and behoof, and for the use and behoof of his legal representatives, to the full end of the term for which said letters patent are granted, as fully and entirely as the same would have been held and enjoyed by me if this assignment and sale had not been made.

In testimony whereof I hereunto set my hand and affixed my seal this twentieth day of December, eighteen hundred and seventy-eight.

IVES W. McGAFFEY. [SEAL.]

Signed, sealed, and delivered in presence of—
W. A. CASWELL.
R. B. WALLACE.

Recorded Dec. 23rd, 1878. Ex'd. J. A. W., M. McK.

47½ [Endorsed:] U. S. circuit court, northern dist. of Illinois. In equity. E. B. Preston *vs.* Manard *et al.* Complainant's Exhibit Assignment. H. M. M., N. P.

48 2–175. DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE.

To all persons to whom these presents shall come, Greeting:

This is to certify that the annexed is a true copy from the files of this office of the file wrapper and contents in the matter of the reissue- letter patents granted Ives W. McGaffey, ass'or by mesne assignments to E. B. Preston, February 28, 1882, No. 10047, for improvement in fountain house carriages.

In testimony whereof I, V. D. Stockbridge, Acting Commissioner of Patents, have caused the seal of the Patent Office to be affixed this 10th day of November, in the year of our Lord one thousand eight hundred and eighty-two, and of the Independence of the United States the one hundred and seventh.

[SEAL.] V. D. STOCKBRIDGE,
Acting Commissioner.

49 *Associate Power of Attorney.*

In the matter of the Application for letters patent for improvement in fountain hose carriage. Filed by Ives W. McGaffey, 187–.

To the Commissioner of Patents:

SIR: R. D. O. Smith is hereby appointed our associate, with all tne power and authority possessed by us in the premises.

MUNDAY, EVARTS & ADCOCK.

To the Commissioner of Patents:

Ives W. McGaffey, a citizen of the United States, residing at Chicago, Cook county, State of Illinois, prays that he may be allowed to surrender the letters patent No. 183,188 for an improvement in fountain-hose carriages, granted to him October 10th, 1876, whereof Everett B. Preston, on whose behalf and with whose assent this application is made, is now sole owner by assignment, and that letters patent may be reissued to Everett B. Preston, for the same invention, upon the annexed amended specification. With this, petition is filed and abstract of title, duly certified, as required in such cases.

50 And he hereby appoints John W. Munday, Edward S. Evarts, and Edmund Adcock, composing the firm of Munday, Evarts, & Adcock, of No. 68, Honoré Block, Chicago, Illinois, his attorneys, with full power of substitution and revocation, to prosecute this application, to make all alterations and amendments thereto; to receive the patent, and to transact all business in the Patent Office connected therewith.

IVES W. McGAFFEY.

The undersigned assignee of the entire interest in the above-mentioned letters patent, hereby assents to the accompanying application.

E. B. PRESTON.

To all whom it may concern:

Be it known that I, Ives W. McGaffey, of Chicago, in the county of Cook and State of Illinois, have invented certain improvements in fountain hose carriages, of which the following is a specification:

In the accompanying drawing, which forms a part of this specification, figure 1 is a front view of the improved combined portable fountain standard and hose reel. Figure 2 is a side elevation of the same. Figure 3 is a fragmentary, sectional view of the reel, spindle, &c.

51 Like letters of reference made use of in the several figures indicate like parts wherever employed. In the said drawing A represents a standard mounted upon and axle, B, to which are applied the wheels C C and a foot, D, so contrived, as shown, that when the device rests upon the tripod formed by the wheels and the foot the standard will assume an upright vertical position to serve as a suitable fountain standard; and for this purpose the standard A is provided with a nozzle-holding contrivance applied to the upper end thereof, and consisting of a pair of shell-shaped halves, E E, which

are secured to the standard by a thumb-screw bolt, *e*, through the flattened overlapping lower ends of the scrolls or shells, serving to hold the contrivance in place; also to afford a hinge upon which the halves may be opened; also as a pivot upon which the thing as a whole may be set at various angles; and also as a means of locking the shells upon the nozzle to hold it in the required position.

Upon the standard A, at a suitable height from the ground, is a collar, F, fitted to turn loosely upon the standard. To this collar is affixed or made part therewith the reel spindle G, upon which is placed the hose-reel H, provided for this purpose with hollow
52 hubs *h h*. A set screw, *i*, through one of the hubs enters a groove, *f*, cut around the spindle, and serves to hold the reel from slipping off. It also serves as a means of locking the reel from turning, and also as a means for applying friction as a brake to prevent the reel from turning too freely, when desired, the two latter results being obtained by applying more or less friction as required.

Below the collar F is a seating, J, upon which the collar rests. This seating is provided with stops, *j j*, at both sides and in front, so that the reel may be placed in three positions by simply raising the collar free from the stops and turning it—that is to say, it may be borne upon the standard in front, as shown in the drawing, or it may be swung around to either the right or left side. In picking up or unreeling the hose it will be found convenient to swing the reel around to one side or the other, so that its axis will be parallel to the axis of the ground wheels. This adjustability to three positions on the standard also enables me to poise the nozzle more readily to different points when said nozzle is held by one of the clasps K on the face of the outer reel-arms, instead of by the holder at the top of the standard. The clasps K, it will be noticed, are secured to the face of the outer reel-arms, and they serve not only
53 as a means for holding the nozzle when desired, but also for holding the butt of the hose when it is all reeled in, or for holding an intermediate part when the butt is connected to the hydrant. The handles L L near the top of the standard, are to afford a grasp in wheeling the apparatus about from place to place. Another handle, L, projecting to the rear from the collar serves, as a hold for the other hand in shifting about and adjusting.

In operation the butt of the hose may be attached to the hydrant, and the body of the hose being upon the reel the standard and reel may be wheeled along to the place desired, paying out hose as it goes. More or less hose may be thus payed out, and the nozzle being poised to its work it may remain in operation for a time in a fixed position or at rest, or the apparatus may be moved about from place to place, and the hose taken up or paid out to suit while the water is playing, as well as when shut off. The reel being supported at a considerable height from the ground renders it possible to employ a reel of a sufficient diameter so that the water will freely flow through the portion of the hose wound thereon. It will be seen, therefore, that the apparatus may be used as a lawn fountain
54 or sprinkler, and moved from place to place without touching the hose with the hands, thus avoiding the dirt and wet, and

also that the hose may be taken up or paid out from the standard itself as it is moved about, which is a better way than having the standard at one place and the reel at another, or than having no reel, because the work may be all attended to at the standard, and no more hose left on the ground than is absolutely necessary.

With a view to this method of using the apparatus, a peculiar feature of the reel consists in the fact that the hose is wound upon four separate points or bars. This, in connection with the large diameter of the reel, facilitates the discharge of the water. To make this clear it is necessary to understand that each bar is liable to make a dent upon the inner side of the hose. This dent the water passing through will straighten out; but the effort to straighten the dent will cause a tendency of the hose to rise at this point and in the part of the hose between the bars to secure or bend toward the center of the reel. Now, if a solid drum is employed, or a reel composed of a large number of bars, this rising and recurving tendency is resisted by the intermediate points or bars, and the dent or flattening or compression resists the water and will not straighten
55 out. By sufficiently loos-ing the set screws so that it will clear the groove in the spindle, the reel may be taken entirely off from the standard, and the latter in such case may be used as a plain reelless fountain standard.

Having thus fully described my invention, what I claim as new and desire to secure by letters patent is—

First. The combined hose carriage and fountain, standard, consisting in the combination of the following elements, viz: A wheeled carriage, provided with a foot or brace, by means of which it may be sustained in an upright, vertical position; a nozzle-holding device and a reel of large diameter, to allow the water to flow through the hose when partially wound thereon, substantially as specified

Second. The combination of a hose reel of large diameter, to allow the water to flow through the hose wound thereon, with a wheeled carriage for carrying said reel, provided with a foot or brace for sustaining it in an upright position, and devices for holding the nozzle, both on the carriage and the reel, substantially as specified.

56 Third. The reel pivoted in two ways to the standard, one pivot being its own axis for reeling and unreeling the hose, and the other point at right angles thereto, allowing the reel to swing around the standard, substantially as specified.

Fourth. The combination with a hose reel of large diameter to permit the water to flow through the hose wound thereon, and adapted to be fixed in position on its axle, of devices for holding the nozzle on the arms of the reel, substantially as specified.

Fifth. The combination of the reel, the standard, and the sleeve which supports the former upon the latter, together with the stops upon the sleeve for locking it in several positions, substantially as specified.

Sixth. The peculiarly-constructed clasp upon the top of the standard for holding the nozzle, consisting of two shell-like halves secured by a single bolt through the standard, which bolt serves as a pivot

upon which the device may be adjusted, as a hinge upon which it may be opened, and as a means of locking it in the desired position when attained, substantially as specified.

Seventh. The wheeled reel-bearing standard having handles, L L, near the top, and the handle L near the middle, substantially as specified.

57 Eighth. The reel carried upon a spindle having grooves cut around it, in combination with the set screw through the reel hub, substantially as specified.

Ninth. The combination with a fountain standard provided with wheels of a hose reel of large diameter to allow the water to flow through the hose wound thereon substantially as specified.,

Tenth. [The fountain hose reel of large diameter, having four permanent supporting points for the hose to facilitate the flow of water through the same while wound thereon, substantially as specified.]

Words in brackets cancelled per amend't Feb'y 10, 1882. Inserted Jan. 31, '82. Insert A, Jan. 31, '82.

IVES W. McGAFFEY.

Witnesses:

H. M. MUNDAY.
EDW. S. EVARTS.

58 STATE OF ILLINOIS, } *ss:*
County of Cook, }

Ives W. McGaffey, the above-named petitioner, being duly sworn, deposes and says: That he verily believes that his aforesaid letters patent are invalid by reason of his claiming therein as his invention or discovery more than he had a right to claim as new, particularly by failing to specify in his first claim that the reel mentioned therein was a wheel of large diameter to permit the water to pass through the hose while wound thereon, and that the aforesaid letters patent are inoperative by reason of a defective specification, and that such defect consists in the omission to claim the combination of such reel of large diameter with other elements of the invention, and that the error arose by inadvertence without any fraudulent or deceptive intent; that Everett B. Preston is the sole owner of said letters patent, and that this application is made on the behalf and with the consent of said Everett B. Preston, and that he verily believes himself to be the first and original inventor of the improvements set forth and claimed in this amended specification, and does not believe that the same was ever before known or used.

IVES W. McGAFFEY.

59 Sworn to and subscribed before me this 7th day of January, 1882.

[L. S.]

H. M. MUNDAY,
Notary Public.

60 DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE.

Application of Ives W. McGaffey for reissue of letters patent, No. 183,188, dated October 10, 1876, for improvement in "fountain hose carriage."

I certify that the annexed is a true copy from the digest of assignments in this division, of all assignments of undivided interest found of record under or relating to the aforesaid letters patent up to and including January 18, 1882.

SCHUYLER DURYEE,
Chief of Assignment Division.

No other ass'ts appear of record up to and including Feb'y 6, '82.
SLAUGHTER.

61

Assignors.	Assignee.	Date of assignment.	Date of record.	Invention.	Territory assigned.	Liber.	Page.
Ives W. McGaffey.	E. B. Preston, of Chicago, Ills.	Ap'l 21, '77	Ap'l 24, '77	Fountain hose carriage, Oct. 10, '76, No. 183,188, and another patent allowed.	Agreement between said parties. The party of the first part hereby relinquishes and conveys to the party of the second part the exclusive control of all the rights of said patent on the terms & conditions named in deed. For particulars, see record	O 21	459
Same	E. B. Preston.	Dec. 20, 78	Dec. 23, '78	Hose reels, Oct. 10, '76, No. 183,188, and other patent.	All his right, title, and interest in said inventions as secured by said letters patent, and all reissues and extensions thereof.	Q 23	344

62 *Hose Carriage. Filed Jan'y* 21, 1881. *No.* 50710.

Room No. 104.

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,
WASHINGTON, D. C., *Jan'y* 30, '82.

Mr. I. W. McGaffey, ass'or, care Mr. R. D. O. Smith, present:

Claim 10 is rejected on the patent to Mayall, July 15, 1873. No. 140,784. Fire engines.

J. E. M. BOWEN,
Examiner Div. 9

63 Room —, Reissue —.

I. W. McGAFFEY, 50710.

To the Commissioner of Patents.

SIR: I hereby amend as follows:

Claim 10, line 2, after four insert permanent.

Line 3, erase to facilitate and insert [facilitate and insert whereby the hose may be wound upon said reel without short bends and without impeding the flow.]

Words in brackets cancelled by amendment filed Feb'y 10, 1882.

31 Jan'y, 1882.

Respectfully, R. D. O. SMITH, *Att'y.*

64 Issue Division.

All communications should be addressed to "The Commissioner of Patents," Washington, D. C.

DEPARTMENT OF THE INTERIOR,
U. S. PATENT OFFICE,
WASHINGTON, D. C., *Feb'y* 6, 1882.

Ivee W. McGaffey, ass'or., cr. R. D. Smith, asso.:

SIR: Your application for reissue of patent No. 183,188 for improvement in fountain hose carriage has been examined and allowed.

The patent will be forwarded to you as soon as practicable, in due order of business.

Very respectfully, V. D. STOCKBRIDGE,
Acting Commissioner of Patents.

65 I. W. McGaffey. Reissue 50710. Allowed 6 Feb'y, 1882.

To the Commissioner of Patents.

SIR: Under the recent decisions of the Supreme Court it is feared that the tenth claim granted in this case may prove to be defective, and I therefore desire to amend by erasing said 10 claim.

10 Feb'y, 1882.

Respectfully,

R. D. O. SMITH, *Att'y.*

FEB'Y 10, '82.

Respectfully recommended.

J. E. M. BOWEN, *Ex'r.*

Approved.

V. D. STOCKBRIDGE, *A. C.*

Applied by Ex'r under rule 77.

J. M. B.

66 [2—196.]

Serial No. 50710. Ex'r book No. —

1882.

Reissue No. 10047.

Ives W. McGaffey, ass'or by mesne assignments to E. B. Preston, of *of* Chicago, county of Cook, State of Illinois.

Invention, fountain hose carriages.

Part of application filed.
Petition, Jan. 11, 1882.
Affidavit, " " "
Specification, Jan. 11, 1882.
Drawing, " " "
Old patent, " " "
Abstract of title, Jan. 21, 1882.
Cert. deposit.
Cash, $30, Jan'y 11, 1882.

App. filed complete, Jan. 21, 1882.
No. and date of original patent No. 183,188, Oct. 10, 1876.
Examined, J. E. M. Bowen, Feb'y 4, '82.
Countersigned, J. W. Babson, for commissioner, Feb'y 6, '82.
Notice of allowance, Feb'y 6, 1882.
Reissued Feb'y 28, 1882.
Att'y or P. O. address, Munday, Evarts & Adcock, Chicago, Ills.

R. D. O. SMITH,
Asso., Present.

(Here follows diagrams marked pp. 67 & 68.)

69 UNITED STATES PATENT OFFICE.

IVES W. MCGAFFEY, of Chicago, Illinois.

Improvement in Foutain-Hose Carriages.

Specification forming part of Letters Patent No. 183,188, dated October 10, 1876; application filed July 7, 1876.

To all whom it may concern:

Be it known that I, Ives W. McGaffey, of Chicago, in the county of Cook and State of Illinois, have invented certain improvements in fountain-hose carriages, of which the following is a specification:

In the accompanying drawing, which forms a part of this specification, figure 1 is a front view of the improved combined portable fountain-standard and hose-reel. Fig. 2 is a side elevation of the same. Fig. 3 is a fragmentary sectional view of the reel-spindle, &c.

Like letters of reference made use of in the several figures indicate like parts wherever employed.

In the said drawing, A represents a standard mounted upon an axle, B, to which are applied the wheels C C and a foot, D, so contrived, as shown, that when the device rests upon the tripod formed by the wheels and the foot, the standard will assume an upright

2 Sheets—Sheet 1.

I. W. McGAFFEY.

FOUNTAIN HOSE-CARRIAGE.

No. 183,188. Patented Oct. 10, 1876.

no 932
Preston
vs.
Manard
p. 67.

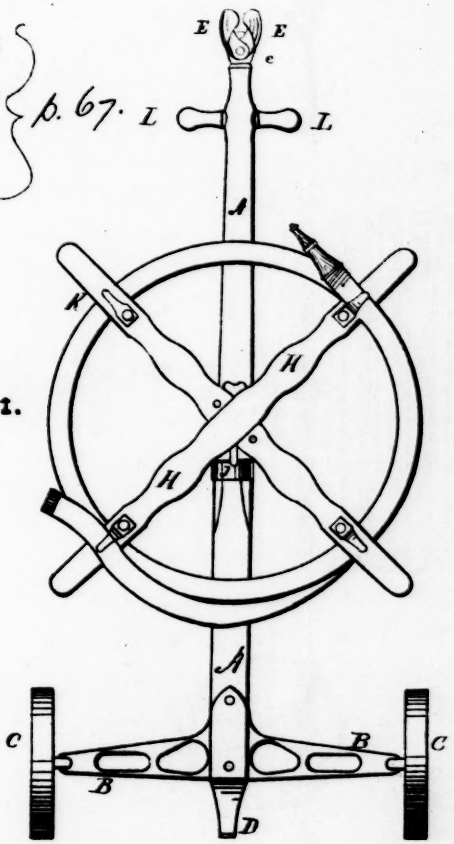


FIG. 1.

WITNESSES:

F. B. Townsend

L. Baldwin

INVENTOR:

Ives W. McGaffey

by Munday & Evarts

his attys.

vertical position, to serve as a suitable fountain-standard; and for this purpose the standard A is provided with a nozzle-holding contrivance, applied to the upper end thereof, and consisting of a pair of shell-shaped halves, E E, which are secured to the standard by a thumb-screw bolt, *e*, through the flattened overlapping lower ends of the scrolls or shells, serving to hold the contrivance in place; also to afford a hinge upon which the halves may be opened; also as a pivot upon which the thing, as a whole, may be set at various angles; and also as a means of locking the shells upon the nozzle to hold it in the required position.

Upon the standard A, at a suitable height from the ground, is a collar, F, fitted to turn loosely upon the standard. To this collar is affixed, or made part therewith, the reel-spindle, G, upon which is placed the hose-reel, H, provided for this purpose with hollow hubs *h h*. A set-screw, *i*, through one of the hubs enters a groove, *f*, cut around the spindle, and serves to hold the reel from slipping off. It also serves as a means of locking the reel from turning, and also as a means for applying friction as a brake to prevent the reel from turning too freely when desired, the two latter results being obtained by applying more or less friction, as required.

Below the collar F is a seating, J, upon which the collar rests. This seating is provided with stops *j j* at both sides and in front, so that the reel may be placed in three positions by simply raising the collar free from the stops and turning it—that is to say, it may be borne upon the standard in front, as shown in the drawing, or it may be swung around to either the right or left sides. In picking up or unreeling the hose it will be found convenient to swing the reel around to the one side or the other, so that its axis will be parallel to the axis of the ground-wheels. This adjustability to three positions on the standard also enables me to poise the nozzle more readily to different points when said nozzle is held by one of the clasps, K, on the face of the outer reel-arms, instead of by the holder at the top of the standard. The clasps K, it will be noticed, are secured to the face of the outer reel-arms, and they serve not only as a means for holding the nozzle when desired, but also for holding the butt of the hose when it is all reeled in, or for holding an intermediate part when the butt is connected to the hydrant. The handles L L, near the top of the standard, are to afford a grasp in wheeling the apparatus about from place to place. Another handle, L′, projecting to the rear from the collar, serves as a hold for the other hand in shifting about and adjusting.

In operation, the butt of the hose may be attached to the hydrant, and the body of the hose being upon the reel, the standard and reel may be wheeled along to the place desired, paying out hose as it goes. More or less hose may be thus paid out, and the nozzle being poised to its work, it may remain in operation for a time in a fixed position or at rest; or the apparatus may be moved about from place to place, and the hose taken up or paid out to suit, while the water is playing as well as when shut off. The reel being supported at a considerable height from the ground renders it possible to employ a reel of a sufficient diameter so that the water will freely flow

through the portion of the hose wound thereon. It will be seen, therefore, that the apparatus may be used as a lawn fountain or sprinkler, and moved from place to place without touching the hose with the hands, thus avoiding the dirt and wet; and also that the hose may be taken up or paid out from the standard itself as it is moved about, which is a better way than having the standard at one place and the reel at another, or than having no reel, because the work may be all attended to at the standard, and no more hose left on the ground than is absolutely necessary.

With a view to this method of using the apparatus, a peculiar feature of the reel consists in the fact that the hose is wound upon four separate points or bars. This, in connection with the large diameter of the reel, facilitates the discharge of the water. To make this clear, it is necessary to understand that each bar is liable to make a dent upon the inner side of the hose. This dent the water passing through will straighten out; but the effort to straighten the dent will cause a tendency of the hose to rise at this point, and in the part of the hose between the bars to recurve or bend toward the center of the reel. Now, if a solid drum is employed, or a reel composed of a large number of bars, this rising and recurving tendency is resisted by the intermediate points or bars, and the dent or flattening or compression resists the water and will not straighten out. By sufficiently loosening the set-screw so that it will clear the groove in the spindle the reel may be taken entirely off from the standard, and the latter in such case may be used as a plain reelless fountain standard.

Having thus fully described my invention, what I claim as new, and desire to secure by letters patent, is—

1. The hose-reel, mounted upon a wheeled carriage, which is provided with a foot or brace, by means of which it may be sustained in an upright vertical position, whereby the device becomes capable of use, both as a hose-carriage and as a fountain-standard, substantially as specified.

2. The combination, with a hose-reel mounted upon a suitable carriage or upon a suitable standard or frame work, of a clasp or clasps upon the reel or standard, or both, for holding the hose or nozzle, so that the apparatus may be used as a lawn-sprinkler, substantially as specified.

3. The reel, pivoted in two ways to the standard, one pivot being its own axis for reeling and unreeling the hose, and the other pivot at right angles thereto, allowing the reel to swing around the standard, substantially as specified.

4. The hose-reel, provided with a set-screw for locking it from turning, and with a clasp or clasps for holding the nozzle, substantially as set forth.

5. The combination of the reel, the standard, and the sleeve which supports the former upon the latter, together with the stops upon the sleeve for locking it in several positions, substantially as specified.

6. The peculiarly-constructed clasp upon the top of the standard for holding the nozzle, consisting of two shell-like halves secured by

I. W. McGAFFEY.

HOSE-CARRIAGE.

No. 190,231. Patented May 1, 1877

FIG. 1.

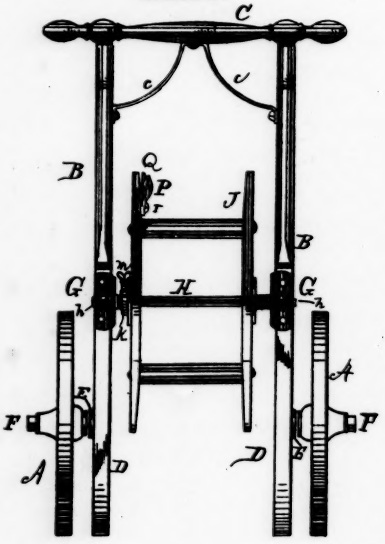
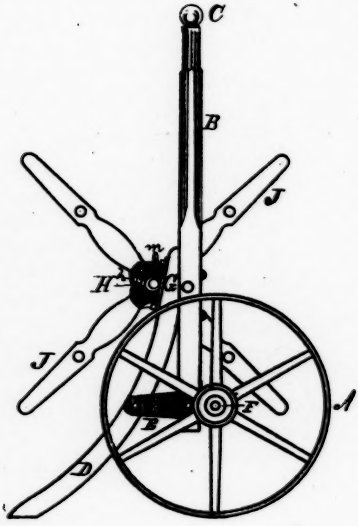


FIG. 2.



No 932
Preston
vs.
Maynard.
p. 71.

FIG. 3.

Witnesses
James S. Murray
F. Krumbaugh Jr.

Inventor
Ira W. McGaffey

By Munday & Evarts, Atty's

Attorneys

a single bolt through the standard, which bolt serves as a pivot upon which the device may be adjusted, as a hinge upon which it may be opened, and as a means of locking it in the desired position when attained, substantially as specified.

7. The wheeled reel-bearing standard, having handles L L near the top, and the handle L′ near the middle, substantially as specified.

8. The reel carried upon a spindle having grooves cut around it, in combination with the set-screw through the reel-hub, substantially as specified.

IVES W. McGAFFEY.

Witnesses:
EDW. S. EVARTS,
JAMES S. MURRAY.

(Here follows diagram marked p. 71.)

72 UNITED STATES PATENT OFFICE.

IVES W. McGAFFEY, of Chicago, Illinois.

Improvement in Hose-Carriages.

Specification forming part of Letters Patent No. 190,231, dated May 1, 1877; application filed February 24, 1877.

To all to whom it may concern:

Be it known that I, Ives W. McGaffey, of Chicago, in the county of Cook and State of Illinois, have invented certain improvements in hose-carriages, and I hereby declare the following to be a full clear, and exact description of the same, sufficient to enable those skilled in the art to make and use the same, reference being had to the accompanying drawing, which forms a part of this specification, and in which—

Figure 1 is a front and Fig. 2 is a side elevation of my improved carriage, while Fig. 3 is a view, enlarged from the preceding figures, of the clamp for holding the hose or nozzle.

In the drawing, A A are the carrying-wheels, which may be of any suitable diameter or construction. B B are the main uprights or longitudinal pieces of the frame-work, connected to each other by the cross-handle C, which may be suitably braced and strengthened, as at *c c*, if necessary. D D are curved extensions of the frame, springing from the main pieces B, in the middle region thereof, and continuing down far enough to form feet or supports, in conjunction with the wheels, to maintain the carriage in an upright position when that is desired. The metal brace piece E, from the leg D to the piece B, serves to strengthen the frame, and also as a foundation and means of securing the short spindles F upon which the carrying-wheels A turn. Upon the outer face of the curved legs, at the junction thereof with the other portion of the frame, are secured suitable clamps G G, for holding a rigid shaft or rod, H, that extends from one side to the other of the frame, and is rigidly fastened at each clamp by a set-screw, *h*. On this rod or fixed shaft is mounted,

to turn loosely thereon, the common hose-reel J, provided with a collar, *k*, and set-screw *m*, which may be used as a lock to fix the reel from turning, in order to poise the nozzle when playing, or as a friction appliance, to prevent the reel from turning too easily.

There being no necessity for a through-going axle, or for an additional brace at the lower part of the frame, by reason of the axis of the reel being rigid, and thus itself a brace, the entire space within the frame from the handle to the ground is left free for the reel, which may thus be of any diameter within that limit, regardless of the diameter of the carrying-wheels.

It will be noticed that when the apparatus is in the upright position indicated in the drawing, the center of the reel, and consequently the center of gravity, is between the carrying-wheels and the feet. By tipping down the handle, the weight may be brought directly over the wheels, and by tipping it still more the weight will come in part upon the handle.

The apparatus may be used as a portable fountain, the nozzle being secured in the holder, presently to be described, and properly poised (by means of the thumb-screw at the hub of the reel), without the necessity of uncoiling more than just enough hose to reach from the hydrant to the carriage. The hose can be readily taken up, or more paid out, while moving the carriage with one hand and turning the reel with the other.

P is the curved holder, made of malleable metal of proper shape and size to receive the hose or hose nozzle. This is sufficiently rigid to sustain the weight of the nozzle or hose, but may be bent with the hand, to conform to the various sizes of nozzles and hose. A spring, Q, made of a flat metal strip of suitable elasticity, is interposed between the holder and the reel-arm, to which the holder and spring are attached by a screw or bolt, *r*, passing through both into said arm. A shoulder, as at *s*, is formed on the lower end of the spring by bending the same up against the malleable holder, so that the spring and holder are kept in just alignment with each other.

Having thus described the construction and operation of my invention, I claim as new, and desire to secure by letters patent—

1. The hose-carriage, constructed of two side pieces, braced together by the cross-handle and a rigid shaft, which latter serves as a pivot for the reel, and provided with feet or extensions, and with wheels that are journaled upon axles projecting from the side pieces, the reel and parts being relatively arranged and constructed substantially as specified.

2. The malleable-metal holder attached to the reel, in combination with the interposed spring, substantially as specified.

IVES W. McGAFFEY.

Witnesses:

EDW. S. EVARTS.

JAS. A. COWLES.

(Here follow diagrams, marked pp. 73 & 74).

2 Sheets—Sheet 1.

J. W. MANARD.

Hose-Reel.

No. 209,278. Patented Oct. 22, 1878.

No. 932
Preston
vs.
Manard
p. 43

Fig. 1.

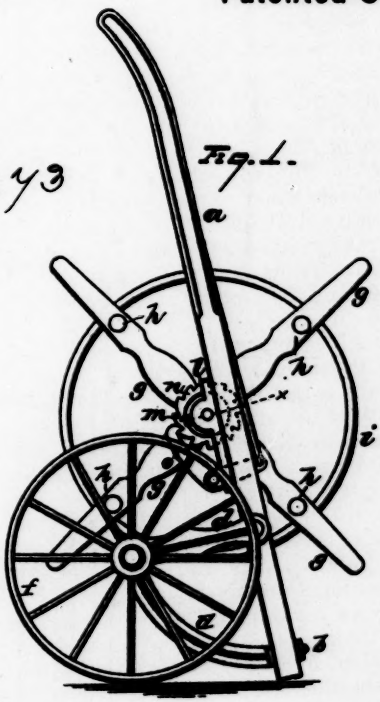
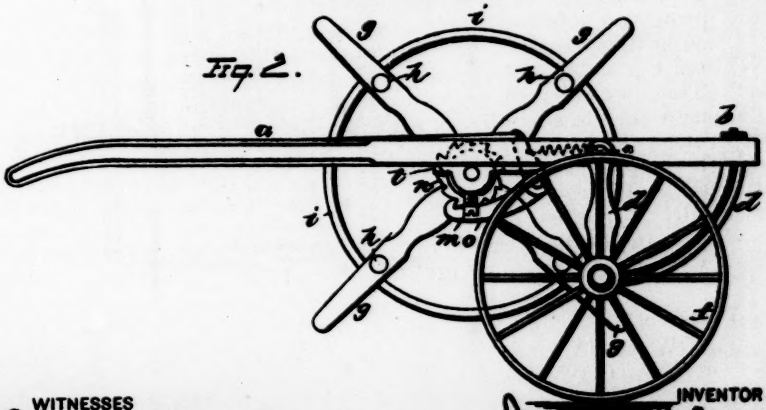


Fig. 2.



WITNESSES
E. J. Nottingham
A. W. Bright

INVENTOR
James W. Manard
By J. F. A. Seymour
ATTORNEY

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Hose-Re

37

No. 209,278.

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No. 932
Preston
vs.
Manard
b. 74.

Fig. 3.

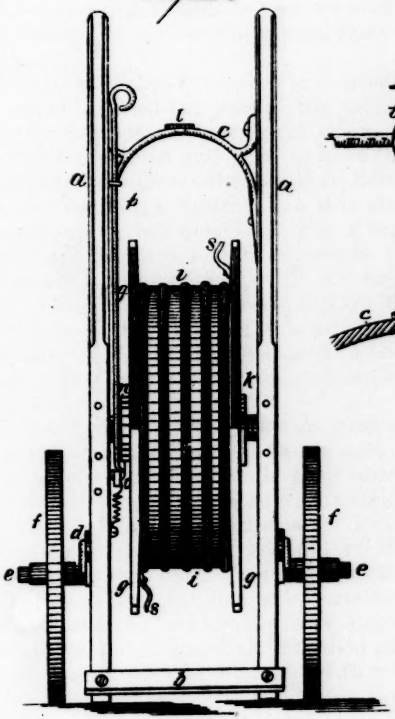


Fig. 6.

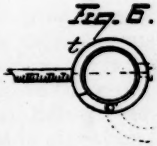
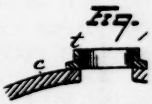


Fig. 7.



WITNESSES
E. J. Nottingham
A. W. Bright.

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3 Sheets—Sheet 2.

J. W. MANARD.
Hose-Reel.

No. 209,278. Patented Oct. 22, 1878.

No. 932
Preston
vs.
Manard
p. 74.

Fig. 3.

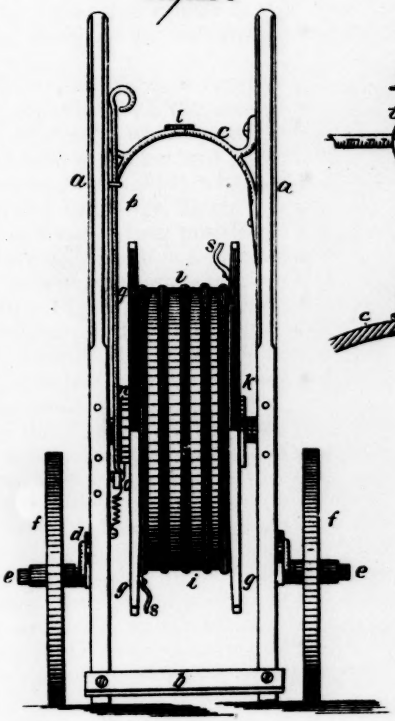


Fig. 5.

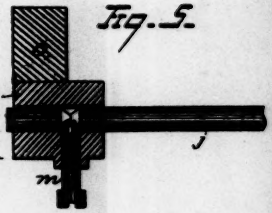


Fig. 6.

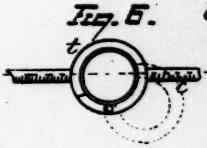


Fig. 4.

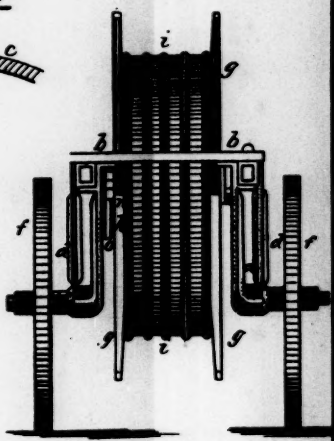


Fig. 7.

WITNESSES
E. J. Nottingham
A. W. Bright.

INVENTOR
James W. Manard
By D. A. Seymour
ATTORNEY

75 UNITED STATES PATENT OFFICE.

JAMES W. MANARD, of Rockford, Illinois.

Improvement in Hose-Reels.

Specification forming part of Letters Patent No. 209,278, dated October 22, 1878; application filed September 13, 1878.

To all whom it may concern:

Be it known that I, James W. Maynard, of the city of Rockford, in the county of Winnebago and State of Illinois, have invented a new and useful improvement in hose-reels, of which the following is a specification:

This invention relates to that class of reels known as "yard-hose reels," designed for handling yard-hose in connection with yard-hydrants.

The object of this invention is to produce a reliable reel at a small cost, capable of all the uses of the more expensive reels, and to provide the reel with a cylindrical drum on which to wind the hose, fitted with a ratchet and pawl to hold the reel in position, and other minor improvements, which will be hereinafter more fully described.

In the drawings, figure 1 is a side elevation of my improved reel in a self-supporting position. Fig. 2 represents its position in transportation. Fig. 3 is a front elevation in a self-supporting position. Fig. 4 is a front-end view, with the main frame in a horizontal position. Fig. 5 is a transverse section through one of the sides on dotted line X, Fig. 1. Fig. 6 is a plan view of the nozzle-suppert in the center of the bracket connecting the handle portion of the side beams to the frame. Fig. 7 is a lengthwise vertical central section of the same.

In the figures, *a a* are the side beams of the main frame, which are made of any suitable material and of proper size, and are connected at their forward ends by a suitable cross-bar, *b*, and toward their handle ends by the curved bracing-bracket *c*. The rear ends of these side beams are finished in a suitable handle form. *d d* are depending bracket-arms, secured to the side beams and forward cross-bar of the main frame. The depending portions of these bracket-arms are provided with axle-arms *e*, which project outward, and are fitted to receive the carrying-wheels *f*, to revolve thereon. These parts, constructed as described and shown, form the carriage, on which the hose-reel is mounted to revolve in suitable bearings.

The hose-reel is composed of two heads, formed of bars *g*, which cross each other in the center of their length, halved on each other to produce an even side surface. These head-frames are separated a proper distance, and fixed in such separated relative positions by means of suitable rounds *h*, framed into each opposite pair of arms about midway of their length.

i represents a rim, made of plate material, preferably of iron galvanized and corrugated, which is supported between the end frames of the reel on the rounds *h*. The object of this rim is to prevent the abrupt bending of the hose at the several cross-rounds, as in reels

without the rim, which tends to check the flow of water, and soon breaks the hose at each bend. This reel is supported by a shaft, *j*, which is passed through the center of the end frames and through metallic hubs *k*, fixed to the centers of their outer faces. The outer ends of this center shaft are fitted to revolve in bearings *l*, fixed to the rear or under face of the side beams. The bearing portions of the center shaft are fitted with grooves, which receive the conical ends of the screws *m*, passed through the bearings. This construction serves to prevent the side beams from spreading, and still permits the shaft to revolve, and the length of the bearing serves to give additional firmness to the frame.

n represents a ratchet-wheel fixed to the reel. A spring-pawl, *o*, fixed to the frame, engages the teeth of the ratchet to hold the reel, and prevent the hose from unwinding or running from the reel. *p* is a wire connected to the spring-pawl, and extending within easy reach of the handle ends of the side beams, by means of which the operator may disengage the pawl to permit the reel to revolve and pay out the hose when required. *s s* are loops attached to the reel-arms, and are designed to receive the ends of the hose when wound on the reel, to prevent it running therefrom. The center of the bracing-bracket *c* is made in a semicircular loop form, to secure the nozzle end of the hose, and is provided with a swinging semicircular clasp, *t*, pivoted thereto in such a manner as to permit it to swing open, as represented in dotted lines, Fig. 6, to admit the hose, after which it can be turned into the position represented in solid lines to confine the hose in the loop. This center loop is employed mainly for purposes of sprinkling, or when the hose is used as a foun-
76 tain. This center loop may be formed with an upward-projecting flange surrounding the opening, substantially as represented in the figures.

By this construction I am enabled to produce a hose-reel carriage in which the forward ends of the side beams of the frame form the feet on which, in connection with the carrying-wheels, the machine is supported when in an upright position, in which the reel, mounted in the frame, will be supported about on the vertical center between the bearing-points of the carrying-wheels and the foot end of the side beams. When in position for transportation, as represented in Fig. 2, the reel will be a proper distance rearward of the carrying-wheels to properly balance the machine.

I claim as my invention—

1. A hose-carriage frame consisting of side bars which extend rearward of the carrying-wheels and are provided with depending brackets, each of which is formed with two arms, one of said arms secured to the rear end of the carriage-frame and the other to that portion of the frame nearest the axle, the lower end of said brackets provided with axle-arms for supporting the carrying-wheels, substantially as set forth.

2. The combination, with a reel-frame, of a metallic hose-supporting rim or shell secured between the end frames of the reel, said rim constructed with a series of parallel grooves, substantially as set forth.

3. The combination with a hose-reel, of a reel-supporting axle constructed with grooved journals, and bearings attached to the side beams of the carriage, said bearings provided with set-screws, the inner ends of which engage with the grooves in the axle-journals, substantially as set forth.

4. The combination, with a hose-reel having a ratchet-wheel secured thereto, of a spring-pressed pawl pivoted to the carriage-frame and a rod attached to the pawl-arm, said rod leading to the forward end of the carriage-frame, substantially as set forth.

5. The combination, with the cross-brace, of the swinging loop to embrace the nozzle, as and for the purpose set forth.

JAMES W. MANARD.

Witnesses:
W. MEAD.
A. B. MANARD.

77 *Documentary Exhibits Introduced by Def'ts.*

Patent No. 36433(8), Lee & Alden.
" " 121,949, J. J. Lessler.
" " 144,415, C. Rider.
" " 18421, Wiler, Sturges & McFall.
" " 127,277, Shaw & Ashley.
" " 137,175, R. Brusie.
" " 137,802, H. C. Smith.
" " 152,849, Lee & Kley.
" " 160,220, P. Muller.
" " 167,851, J. A. Miller.
" " 180,007, G. H. Copping.
" " 169,344, O. Edwards.

78 To whom it may concern:

Be it known that we, Benjamin F. Lee, of New York, in the county of New York and State of New York, and Henry A. Alden, of Fishkill, in the county of Dutchess and State of New York, have invented certain new and useful improvements in hose drainers, and we hereby declare that the following is a full, clear, and exact description of the same:

Our invention relates to the production of a new device or improvement, which we denominate a "hose-reel," for draining and holding hose-pipe after being used, and it consists in the combination with a frame of conical, cylindrical, or other convenient form capable of revolution on a vertical spindle, of supporting hooks or brackets arranged spirally, substantially as hereinafter shown and described.

The inconvenience attending the use of hose mainly consists in properly draining it and disposing of it during the intervals of time when not in use. The hose, after being used, is always filled
79 with water, which, if allowed to remain within the hose, will soon cause it to rot or mould, besides rendering the hose very

heavy and impracticable to be wound up and removed. To drain the hose, therefore, it is necessary to give it such inclination as will permit the water to flow out by virtue of its gravity. This is quite easy to do when the hose is short, but when it is long the operation of draining is always tedious and difficult, while water is often imprisoned in spite of every care that may have been taken. After the hose is drained it is generally wound into a coil, to do which with neatness and compactness is not only wasteful of time, but requires considerable practice. Our hose-reel is designed to obviate these inconveniences, and is calculated to effect the drainage of the hose while and by the act of its being neatly and compactly wound up on a supporting frame or standard. To enable others to make and use our hose-reel we shall now proceed to describe it, referring to the accompanying drawing, in which Fig. 1
80 is a front elevation. Fig. 2 a sectional, and Fig. 3 a plain view of our invention. A in the drawing represents a pedestal, consisting of two pieces of timber joined at their middles to form a cross, and firmly supporting an upright spindle or axle B, upon which as center revolves the frame C. This latter is composed of a top and bottom disk (*a*) and (*b*), which are united externally by ribs (*c*). The lower disk is here shown of a diameter somewhat larger than the upper disk. This gives the frame the form of a cone; but this feature, though convenient, we do not deem essential.

To the ribs are fixed hooks or brackets, H, in form curved more or less in conformity with the sectional form of the hose. These hooks or brackets are arranged in a continuous row, spirally winding up and around the frame. The top disk may be provided with a hook (*d*) or bar, around which the hose may be wound. The operation will be readily understood from the above description of the apparatus. The hose after being used is wound up, after first
81 applying the muzzle to the lowest hook. The hose is then laid into the successive spirally-disposed hooks by following them up along the inclination of the helix formed by the hooks. To facilitate the operation the attendant is simply required to turn with one of his hands the reel, while with the other he lays down the hose on the hooks as they present themselves in their successive and spiral order.

The reel represented in the drawing will drain, if necessary, twice the length of hose there shown. To do this we begin to wind at the bottom as above, and when arrived at the top we pass the hose around the perpendicular hook (*d*) and wind down again to the bottom, resting the hose on the same hooks as in going up. When winding the hose, or when wound up, every part of it will occupy such position in regard to the exit or end of the hose as to allow of the water that may be contained in it to drain completely. Having thus described our invention, we claim a hose reel embracing
82 the combination with a frame of conical, cylindrical, or other convenient form capable of revolution on a vertical spindle of supporting hooks or brackets arranged spirally, substantially as herein shown and described.

(167.)

ORNAMENTAL LAWN SPRINKLER.

JOSEPH LESSLER,

No. 121,949. Patented Dec. 19, 1871.

Fig. 1.

No. 932.
Preston
vs.
Manara.
} b 82.

Fig. 2.

WITNESSES.

B. F. Muehle
S. Mayes

INVENTOR

Joseph Lessler

Lee & Alden,
Hose Reel,

Patented Sept. 9, 1862.

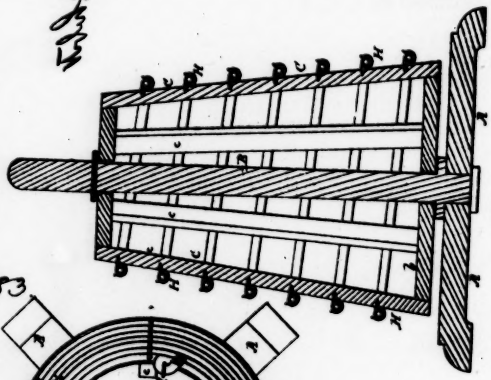


Fig. 2.

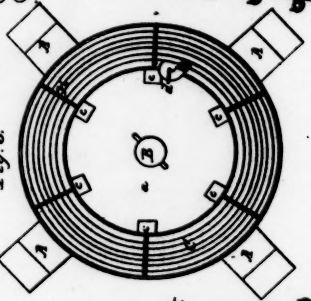


Fig. 3.

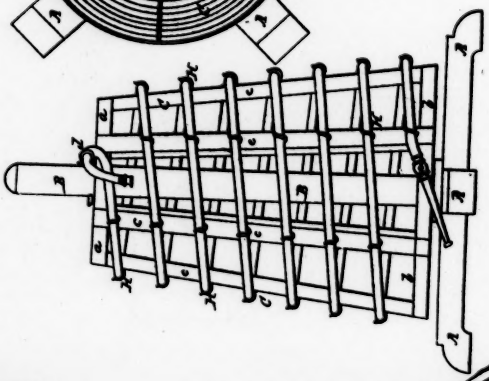


Fig. 1.

Witnesses.
H. A. Johnson
Wm. H. Harris

Inventor.
Lee & Alden by
A. P. Clark their
Atty

No. 932.
Preston
vs.
Manard.
p. 83.

In testimony whereof we have signed our name- to this specification before two subscribing witnesses.

BENJ. F. LEE.
HENRY A. ALDEN.

Witnesses:
W. H. GERARD.
JAMES N. DICKEY.

Ex.: S. A. M., H. M. H.

(Here follow diagrams marked pp. 83 & 84.)

[Endorsed:] 36438. Copy of copy. Lee and Alden hose reel. Defendants' Exhibit No. 3.

85

UNITED STATES PATENT OFFICE.

JOSEPH LESSLER, of Buffalo, New York.

Improvement in Lawn-Sprinklers.

Specification forming part of Letters Patent No. 121,949, dated December 19, 1871.

To all whom it may concern:

Be it known that I, Joseph Lessler, of the city of Buffalo, in the county of Erie and State of New York, have invented a certain new portable fountain and lawn-sprinkler, of which the following is a specification:

My invention consists of a portable water-fountain and sprinkler, consisting of a stand and nozzle-holder, a nozzle or jet, and a flexible hose or pipe for connecting the stand with the hydrant or other point from which water is supplied.

In the accompany drawing, figure I is an elevation of my apparatus. Fig. II is a sectional view of a stand provided with a reel, on which the hose can be wound when the apparatus is not in use.

D is a stand of any suitable construction. A represents the upper portion or nozzle-holder, preferably of ornamental shape, that shown being the figure of a man. B is a discharge-nozzle, of any ordinary construction, and H, a flexible pipe or hose, designed to be attached to the hydrant or other water-supply, and to serve as a conduit to the fountain or stand. The upper portion A of the stand is preferably pivoted to the base, as shown at C, and a second joint is also provided, as shown at E, whereby the nozzle-holder and nozzle may be made to face in either direction and be inclined as required. F represents a basket surrounding the stand in which the rubber hose can be coiled when not in use. In Fig. II the stand is represented as constructed with a box or chamber in which a reel-spindle, G, is placed, on which the hose can be wound if desired.

My improved apparatus is intended more especially to be used for the purpose of sprinkling lawns and gardens without requiring the constant attention of an attendant. All that is required is to attach the hose to the hydrant and carry the stand to any desired locality, when, by turning on the water, a fountain is produced, and the jet

or shower directed to any point. If preferred, the nozzle and holder may be made to slowly revolve with a steady or intermittent motion by means of clock-work mechanism.

The nozzle may be attached to any portion of the holder, as desired, and the latter may be made hollow, if preferred, and be provided with several nozzles of any suitable form.

What I claim as my invention is—

The combination of the stand and nozzle-holder A D with the nozzle B and flexible hose H, forming a portable water-fountain and sprinkler, substantially as hereinbefore set forth.

JOSEPH LESSLER.

Witnesses:
B. H. MUEHLE.
S. MOYES.

(Here follows diagram marked p. 86.)

87 UNITED STATES PATENT OFFICE.

CHARLES RYDER, of Cambridgeport, Massachusetts, assignor to himself and HENRY G. WHITE, of same place.

Improvement in Garden-Hose Rests.

Specification forming part of Letters Patent No. 144,415, dated November 11, 1873; application filed August 6, 1873.

To all whom it may concern:

Be it known that I, Charles Ryder, of Cambridgeport, of the county of Middlesex, and State of Massachusetts, have invented a new and useful garden-hose rest; and do hereby declare the same to be fully described in the following specification and represented in the accompanying drawings, of which—

Figure 1 is a side elevation, Fig. 2 a rear view, and Fig. 3 a vertical section, of it.

The article is to support and direct a hose for and while watering a garden, grass-plat, or lawn, or a tree or collection of plants, in order to relieve the gardener or attendant in the meantime from the duty of holding the discharge nozzle or pipe of the hose.

In the drawings, A represents a spout, open at both ends, and hinged at its lower one to a furcated rack, B, formed as shown in top view in Fig. 4, and fastened down upon a circular head or disk, C. The said head is pivoted to a stand or tripod, D, so as to be capable of being revolved horizontally thereon, the pivot being shown at *a*. The hinge of the spout is represented at *b*. There is also pivoted to the spout a strut, E, to step into either of the notches or teeth *c* of the furcated rack, they being arranged and formed therein in manner as shown. Extending across the spout is a belaying or support bar, *d*, around which the hose H may be coiled one or more times in order to support it, the handle of the stop-cock *e* of the nozzle *f* resting on the upper end of the spout.

With the article so made a hose may be supported and its discharge pipe or nozzle be ranged to any inclination or direction that

C. RYDER.
Garden-Hose Rests.

No. 144,415. Patented Nov. 11, 1873.

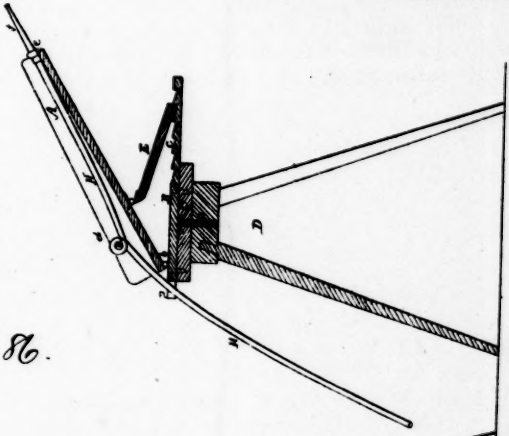


Fig. 3.

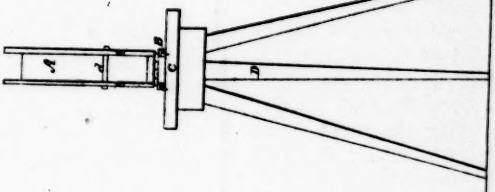


Fig. 2.

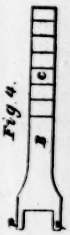


Fig. 4.

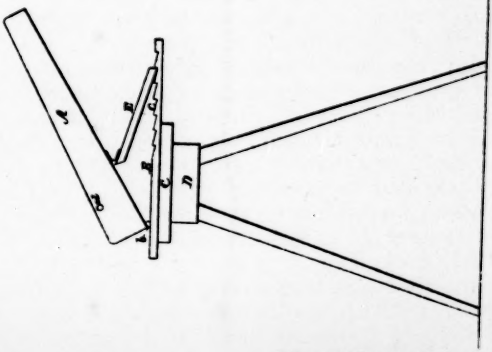


Fig. 1.

No. 932.
Preston
vs.
Maniard.
b. 86.

Witnesses:
S. N. Pipin
L. N. Mollard

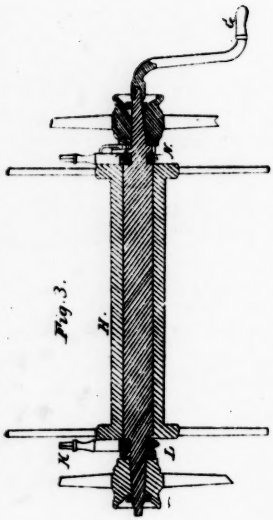
Charles Ryder
by his attorney
R. A. Lacy

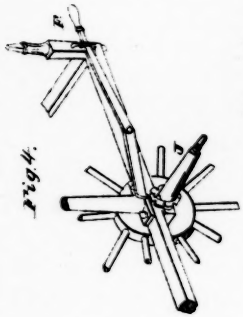
Miller, Sturges & McFall.

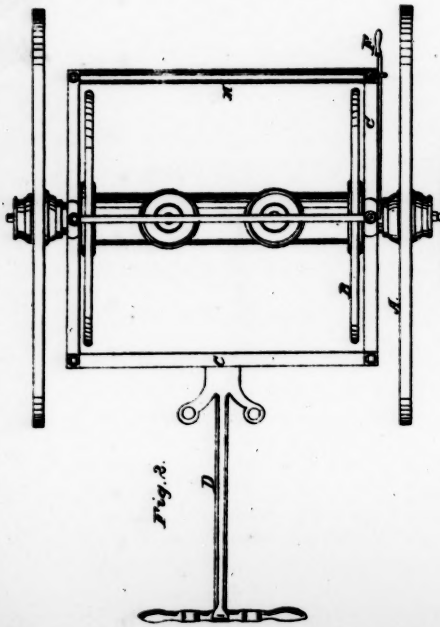
Hose Carriage.

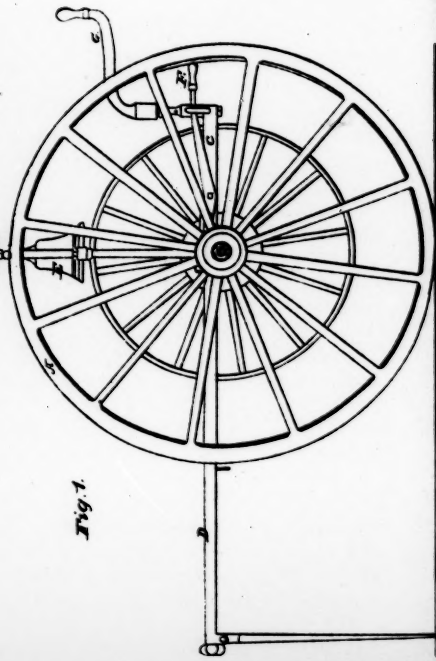
No 18,421 Patented Oct. 13, 1857.

No. 932
Preston
vs
Manard
p. 8









may be required, and be turned about from time to time, so as to discharge water upon a plant, or tree, or a surface, and while the discharge may be going on the gardener will be at liberty to attend to other duties. The prongs *p p* of the furcated rack not only answer to support the spout when in a vertical position, and relieve the hinge thereof from strain, but when the spout is inclined they guide the hose and prevent it from getting caught or choked in the angle between the lower end of the spout and the rack.

The article has been found in practice to be of great utility and advantage.

I claim as my invention—

1. The combination of the spout A, the forked rack B, the strut E, the rotary head C, and the tripod D, arranged and applied together substantially as specified.

2. The belaying or support rod or bar *d*, arranged and combined with the spout A, the rack bar B, the strut E, the rotary head C, and the tripod D, all being applied together and for use in manner and for the purpose as set forth.

CHARLES RYDER.

Witnesses:
R. H. EDDY,
J. R. SNOW.

(Here follows diagram marked p. 88.)

89 J. W. WILER, S. B. STURGES, and G. MCFALL.

Improved Hose Carriage.

Specification forming part of Letters Patent No. 18421, dated Oct. 13, 1857.

To all whom it may concern:

Be it known that Gaylord McFall, J. W. Wiler, & Stephen B. Sturges, of the city of Mansfield, in the county of Richland and State of Ohio, have invented a new and improved hose carriage and we do hereby declare that the following is a full and exact description thereof, reference being had to the accompanying drawings and to the letters of reference marked thereon.

Ordinary two-wheeled hose carriages are so constructed that it is necessary to stand in front of the carriage in order to turn the reel in reeling up the hose. This position is very inconvenient when the carriage is in motion, as the men who are turning the reel must then walk backward.

Also the common mode of turning the reel by seizing hold of the rein is both slow and difficult, especially when a hose weighing two thousand pounds is to be reeled up.

The object of our invention is to remedy these difficulties.

90 Our improvement is intended chiefly for two-wheeled hose-carriages, though it may be applied to other carriages.

Our invention consists in constructing the hose-carriage so that one axle is common to both the reel and the travelling wheels, and

whilst the reel is fixed to the axle the latter will revolve freely in both the frame of the carriage and the travelling wheels.

In the accompanying drawings, Fig. 1 is a side view of a hose-carriage containing my invention; Fig. 2 is a plan of the same; Fig. 3 is a section of the axle and its connections; Fig. 4 is a view of a ratchet and pawl lever for locking the reel, the travelling wheel being removed from the axle and most of the reel being broken away.

In Figs. 1 and 2 a two-wheeled hose-carriage is represented, which may be of any ordinary form. The wheels are shown at A, the frame at C, with bells, E. The rim of the reel B and the hubs L may be made of iron and the main axle of wood. The hubs and the axle of the reel are fixed upon the main axle I, as seen in Fig. 3, whilst the frame C is connected with a short journal of the axle by means of a box, N, held by screws. By this arrangement the axle, which is straight, may freely revolve in the wheels and
91 frame, carrying the reel around with it.

This revolution of the axle and reel does not interfere with [the] motion of the carriage. Both ends of the axle are made square in order to receive cranks G, by which the axle and reel are easily turned. These cranks G afford the firemen a convenient mode of operating the reel, even when the hose-carriage is moving. The cranks G, when not in use, may ride on standards *o*.

The hose, when being reeled up, passes over the friction-roller M and above and forward of the axle, so that the motion of the reel, in reeling up the hose, always corresponds to the forward motion of the wheels; therefore, should the carriage move forward, the friction of the wheels upon the axle tends to turn the reel and assist the men at the cranks in reeling up the hose.

In fig. 4 is seen a ratchet, S, which is fixed to the axle. This ratchet moves with the reel, and, by means of the pawl-lever F, the ratchet and reel may be fixed at pleasure for the purpose of preventing the hose from unreeling.

By this improved carriage a hose can be reeled up faster and more easily than by any other two-wheeled hose-carriage now in use.

92 Having thus fully described our invention, what we claim, and desire to secure by letters patent of the United States, is—

Making the axle of the travelling wheels capable of revolving with the reel independently of the frame and wheels, so that cranks may be used on the ends of the common axle for the purpose of more conveniently and efficiently winding up the hose, substantially as set forth.

JOHN W. WILER.
STEPHEN B. STURGES.
G. McFALL.

Witnesses:
T. B. DODD.
B. F. BLYMYER.
Ex'd: E. A. M., H. M. H.

(Here follows diagram marked p. 93.)

WILLIAM E. SHAW & CHARLES A. ASHLEY.

Improvement in Hose-Carts.

No. 127,277 Patented May 28, 1872.

Fig. 1

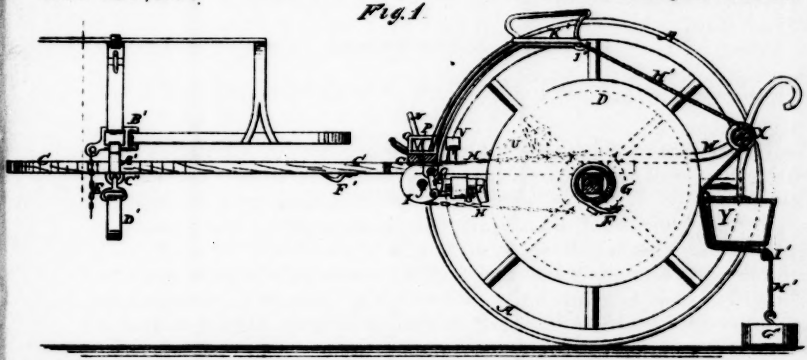


Fig. 3

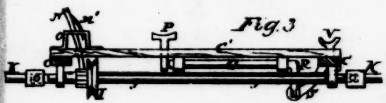


Fig. 2.

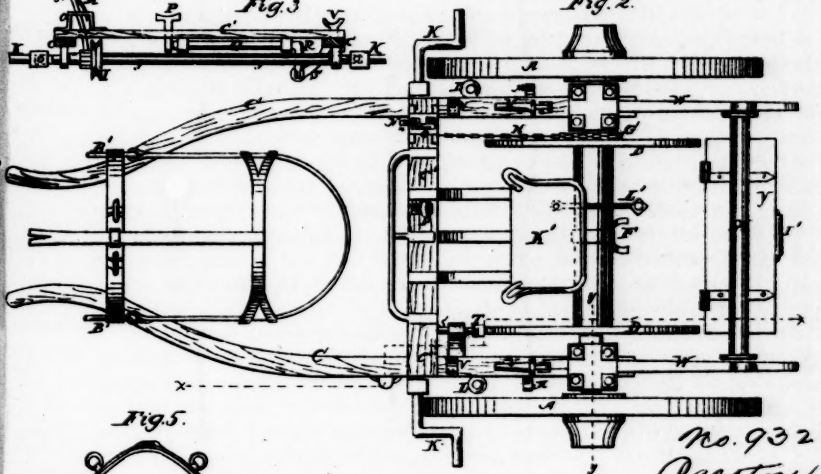


Fig. 5.

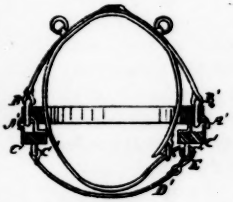
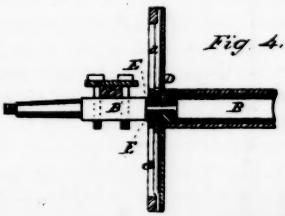


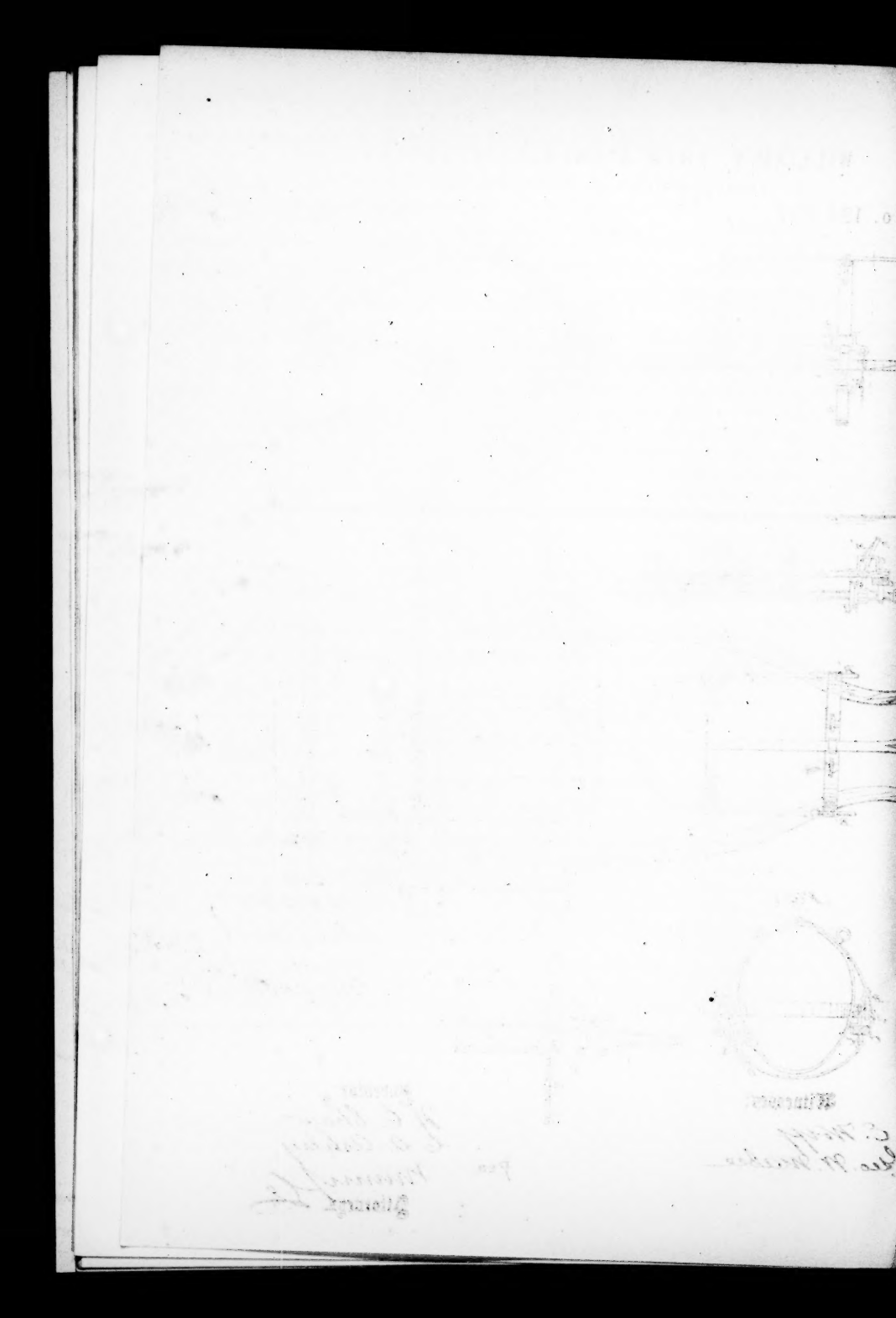
Fig. 4.



No. 932.
Preston
vs.
Manard
p. c.

Witnesses:
E. Wolff
Geo. W. Mabee

Inventor:
W. E. Shaw
C. A. Ashley
Per
Munn & Co
Attorneys.



94 UNITED STATES PATENT OFFICE.

WILLIAM E. SHAW and CHARLES A. ASHLEY, of Stockton, California.

Improvement in Hose-Carts.

Specification forming part of Letters Patent No. 127,277, dated May 28, 1872.

Specification describing a new and improved hose-cart, invented by William E. Shaw and Charles A. Ashley, of Stockton, in the county of San Joaquin and State of California.

Figure 1 is a side view of our improved hose-cart, partly in section through the line *x x*, Fig. 2, to show the construction. Fig. 2 is a top view of the same. Fig. 3 is a detail view of the reel-brake and device for operating the reel to wind up the hose. Fig. 4 is a detail sectional view of a part of the reel, showing its connection with the axle, taken through the line *y y*, Fig. 2. Fig. 5 is a detail view, showing the manner of connecting the shafts to the harness.

Similar letters of reference indicate corresponding parts.

Our invention has for its object to improve the construction of hose-carts, so as to make them more convenient in use, while being lighter and simpler, and consequently less expensive in construction; and it consists in the construction and combination of various parts, as hereinafter more fully described.

A are the wheels which revolve upon the journals of the axle B. The axle B is made straight and square, and is secured to the shafts C by clips or other convenient means. D is the reel, the shaft of which is made hollow, so that it can be slipped on the axle B. E are the boxes of the reel which are fitted into the cavity of the reel-shaft and work on journals or bearings formed on the axle B near the shafts C. The boxes E are made in two parts, which are secured in place and to the reel-shaft by the flange-arms *d'* of the reel, which pass through said shaft and screw into said boxes. One or both the parts of the boxes E may be secured to the reel-shaft by set-screws, so that the said boxes may be adjusted to take up the wear. By making the journals or bearings for the reel a little larger the boxes E may be made in one piece and slipped on over the axle B. To the shaft of the reel D is attached a clutch, F, to receive and hold the hose-butt while the hose is being wound on the reel, and which is so constructed as to allow the hose-butt to drop when the hose is unwound. To one end of the reel D is attached a chain-wheel, G, around which passes a chain, H, which also passes around the chain-wheel I, attached to the shaft J, which works in bearings attached to the shafts C, so that by turning the shaft J the reel D may be revolved to wind up the hose. The shaft J is turned to wind up the hose by cranks K applied to its ends, which cranks K, when not in use, are placed in the eyes L and spring-catches M attached to the sides of the rear part of the shafts C, so as to be securely carried and held out of the way. N is a clutch-lever which passes down through a slot formed in the cross-bar *c'* of the thills C, and is pivoted to said cross-bar, so that by moving said lever N in one direc-

tion it may clutch the gear-wheel I and prevent the reel from turning, and by moving the lever N in the other direction the said gear-wheel I will be released, allowing the reel to revolve. The upper end of the lever N passes up through a slot in a keeper, O, attached to the cross-bar c', and which has two notches formed in it, one at each end of the slot, in either of which notches the lever N is held by a spring, n', attached to its upper part. The lever N is arranged in such a position that it can be operated to fasten or release the reel by the driver with his foot. P is a foot-lever which passes down through a slot in the cross-bar c', and is attached to the shaft Q, which works in bearings attached to the cross-bar c', and to the other end of which is attached or upon it is formed a crank-arm, R, to the outer end of which is pivoted a rod, S, which slides in a guide or keeper attached to the shafts C. To the other end of the rod S is attached a brake-shoe, T, which rests against the rim of the flange of the reel D, so that the driver with his foot can stop or regulate the movement of the reel as required. To the shafts C, a little in front of the axle B, are hinged or pivoted pins U to receive the vase of the hose-pipes or nozzles, the forward part of which rests upon and is held by spring-claps V attached to the shafts C. To the rear ends of the shafts C are attached arms W, to and between the rear parts of which is pivoted the roll X, over which the hose passes to and from the real. From the arms W, below the roll X, is suspended a box, Y, for carrying tools and other small articles. To the upper side of the forward parts of the shafts C are attached snap-hooks A′ to receive the harness-buckles B′. To the under side of the forward parts of the shafts C are attached staples C′, to one of which one end of the belly-band D′, that holds the shafts down, is permanently attached, and into the other of which is hooked the snap-hook E′, attached to the other end of said belly-band D′. To the under side of the shafts C, to which the belly-band D′ is permanently attached, is attached a spring-catch, F′, to receive the snap-hook E′ when the hose-cart is standing in the engine-house, and which is so formed that the belly-band may be released by a slight pull.

G′ is a balance-weight to hold the shafts C raised into position for the horse to pass beneath them when the hose-cart is standing in the engine-house. To the weight G′ is attached a cord or strap, H′, which passes over the roller I′, pivoted to the rear edge of the bottom of the box Y around the forward side of said box over the roller X, and is attached to a spring-catch, J′, attached to the driver's seat K′, and which is so formed that the act of pulling down the shafts C upon the horse, or a forward movement of the cart, will release the weight. To the driver's seat K′ is also pivoted the lamp-holder L′, which is so arranged that it may be swung around to the end or front of the seat, or to its rear, according to the direction in which it is desired to have the light thrown.

Having thus described our invention, we claim as new and desire to secure by letters patent—

1. The reel D having hollow shaft-boxes E and clutch F arranged on axle combined with chain-wheel G, shaft H, wheel I, and crank-shaft J.

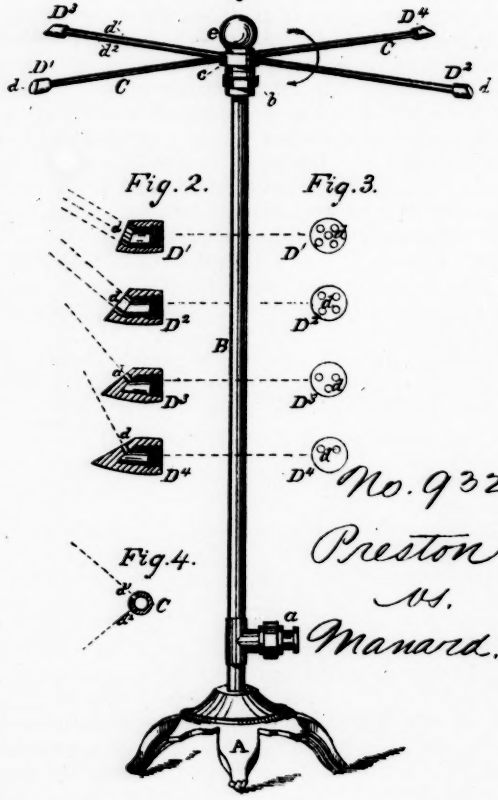
96

R. BRUSIE.

Portable Fountains and Lawn-Sprinklers.

No. 137,175. Patented March 25, 1873.

Fig. 1.



No. 932
Preston
vs.
Manard.
p. 96.

Witnesses:

Arthur C. Fraser

Chas. M. Higgins

Inventor:

Russell Brusie

Per Burke & Fraser

Attys

2. The combination of the clutch and lock lever N with the chain-wheel I, crank-shaft J, chain H, chain-wheel G, reel D, and shafts C of a hose-cart, substantially as herein shown and described, and for the purpose set forth.

3. The combination of the pivoted adjustable lamp-holder L′ with the seat K′, substantially as herein shown and described, and for the purpose set forth.

4. The combination of the eyes L and spring-clasps M with the shafts C, to receive and carry the detachable cranks K, substantially as herein shown and described.

5. The combination of the hinged or pivoted pins U and spring-clasps V, with the shafts C of a hose-cart, to receive and carry the hose-pipes or nozzles, substantially as herein shown and described.

6. The combination of the friction-roller I′ and spring clasp or catch J′, with the box Y, roller X, and driver's seat K′, for the attachment of the balance-weight G′ H′, substantially as herein shown and described, and for the purpose set forth.

7. The combination of the snap-hooks A′, staples C′, and spring-catch F′, with the shafts C of a hose-cart, substantially as herein shown and described, and for the purpose set forth.

WILLIAM E. SHAW.
CHARLES A. ASHLEY.

Witnesses:
G. C. HYATT.
L. M. CUTTING.

(Here follows diagram marked p. 96.)

97 UNITED STATES PATENT OFFICE.

RUSSELL BRUSIE, of New York, N. Y.

Improvement in Portable Fountains and Lawn-Sprinklers.

Specifications forming part of Letters Patent No. 137,175, dated March 25, 1873.

To all whom it may concern:

Be it known that I, Russell Brusie, of the city, county, and State of New York, have invented an improved portable fountain and lawn-sprinkler, of which the following is a specification:

My invention consists in an improved arrangement of the orifices in the rotating arms from which the water is discharged, whereby a much larger space can be sprinkled, and also in a device for counteracting the friction on the journals of the revolving parts of the fountain.

In the drawing figure 1 is a perspective view of my improved fountain and lawn-sprinkler; Fig. 2 is a sectional view of Fig. 3, of the perforated cap on the ends of the radial arms C of Fig. 1; Fig. 3 is a plan view of the outer ends of said caps, showing the varying number and arrangement of the orifices *d* in the same; and Fig. 4 is a transverse section of one of the arms C, Fig. 1, showing the

double row of perforations on the same at angles oppositely inclined.

As represented in the drawing, A is the base of the apparatus, which may be of any ornamental design, the feet of which are preferably furnished with spikes or spurs for inserting in the ground, to retain the fountain in position. B is the vertical tubular standard of the fountain, having a shoulder at *b* and a coupling, *a*, at its lower part for connecting it with a flexible hose attached to the water-supply. The arms C radiate from and open into the hollow ring *c*, which ring rests on the truncated conical top of the standard B, their surfaces corresponding with each other, and ground to prevent the escape of water at that part. On the outer ends of the arms are secured perforated caps D^1 D^2 D^3 D^4, shown in section in Fig. 2 and in plan in Fig. 3, the perforations or orifices in which vary in number from two to five, and in their angles of inclination from ten degrees to sixty degrees, or thereabout, as shown. The ball *e* or other suitable or ornamental device is screwed on the top of the standard, and serves to retain the ring *c* in place and close the tubular standard, so that all the water is distributed laterally.

The water finds access to the ring *c* from the tubular standard B through a series of perforations in its truncated conical top. From the ring *c* the water enters the arms C, and from thence is discharged through the variously-inclined perforations on their sides and ends.

The arms revolve by the reaction of the water on its escape therefrom, on the well-known principle of the reaction-wheel.

The reaction of the water issuing from the downwardly-inclined perforations d^2 on the sides of the arms C, (best seen in Fig. 4,) tends to raise as well as revolve the same, and thus partly counteract their weight and the consequent friction of the ring *c*.

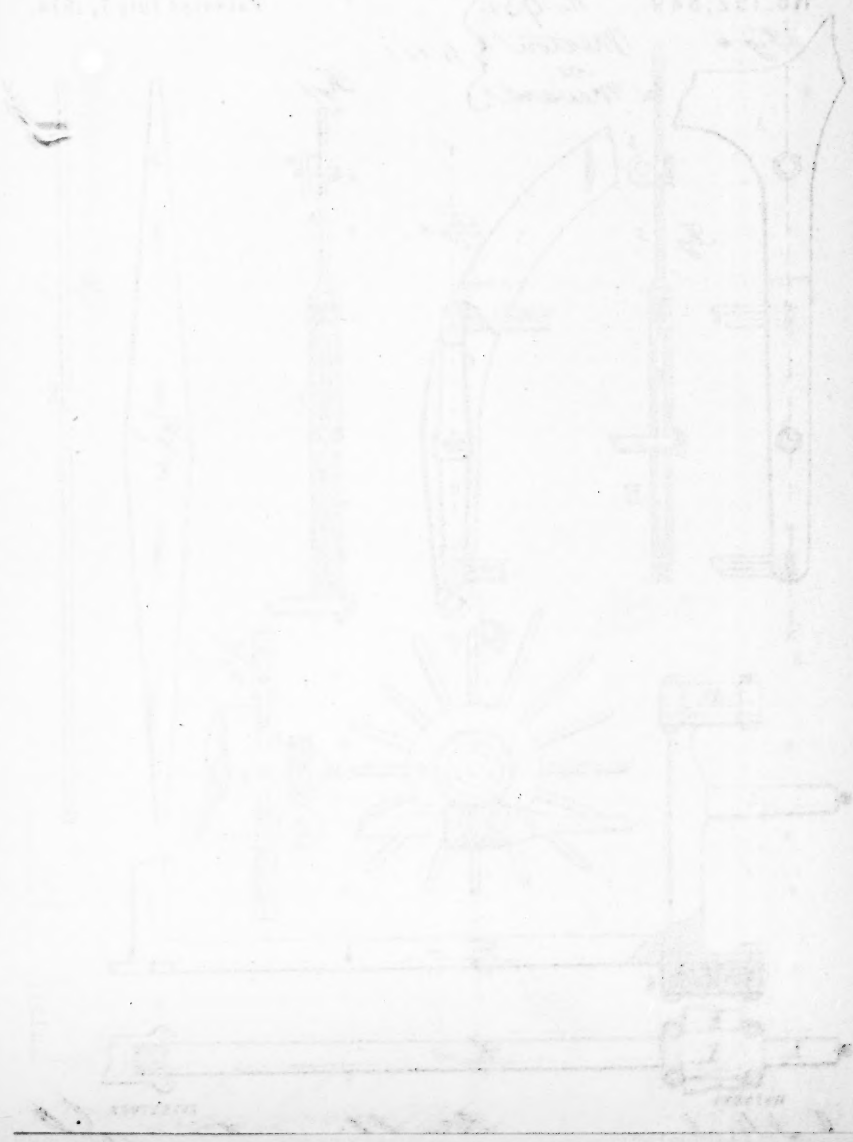
The water issuing from the sides of the arms sprinkles a circle close to the base of the fountain and of a radius equal to their length, while that issuing from the perforated caps on the ends of the arms is thrown in concentric circles, one arm throwing beyond the other, according to the inclination of its perforations, those perforations least inclined to the perpendicular throwing the water furthest from the center, and *vice versa*. It will be seen upon reference to Figs. 2 and 3 that the orifices which are least inclined to the perpendicular are of the greatest number, as D^1, Figs. 2 and 3, while those which are most inclined are of the smallest number, as D^4. The reason for this is obvious, as the arm having the least-inclined perforations throws the furthest from the center, has an annular space of greater radius and surface to sprinkle, necessarily requires a greater quantity of water to effect the purpose, and *vice versa*.

With the orifices thus arranged a large space may be sprinkled by a very moderately-sized apparatus.

I do not confine myself to any specific arrangement of the orifices, either as to their number or their angles of inclination, as various arrangements of both may be used to advantage.

What I claim as my invention is as follows:

In a revolving lawn-sprinkler a series of discharge-orifices having an inclination varying with its different arms and of variable number, substantially as shown and described.



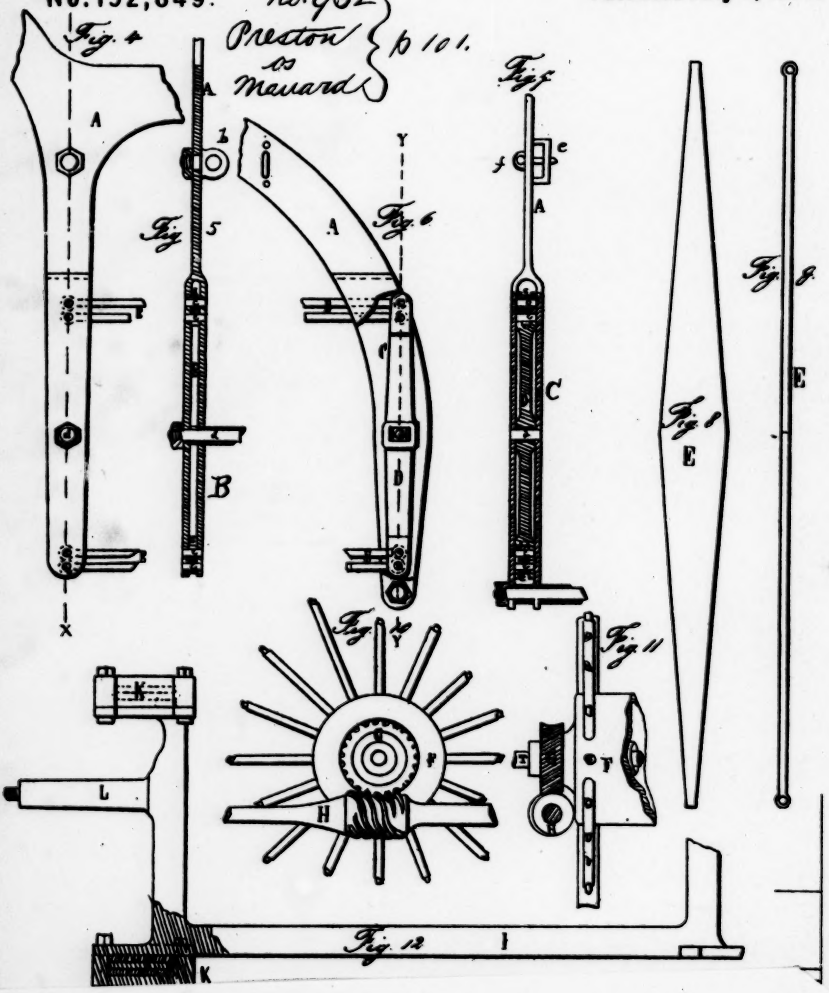
2 Sheets--Sheet 2.

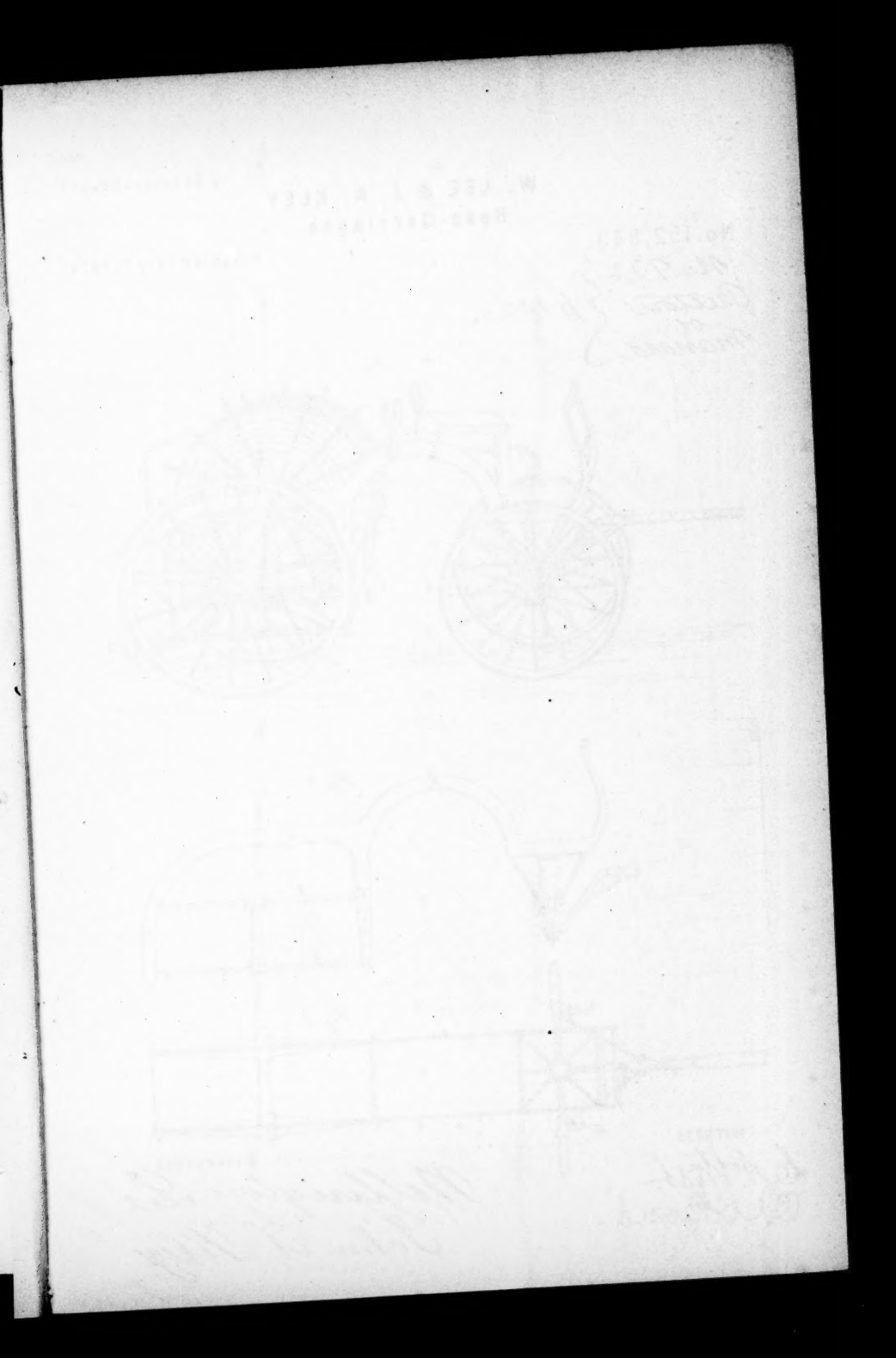
W. LEE & J. A. KLEY.

Hose-Carriages.

No. 152,849. Patented July 7, 1874.

No. 932
Preston
vs
Maynard
} p 101.





2 Sheets--Sheet 1.

W. LEE & J. A. KLEY.

Hose-Carriages.

No. 152,849. Patented July 7, 1874.

No. 932. Preston et. Manard } p 100

Fig 1

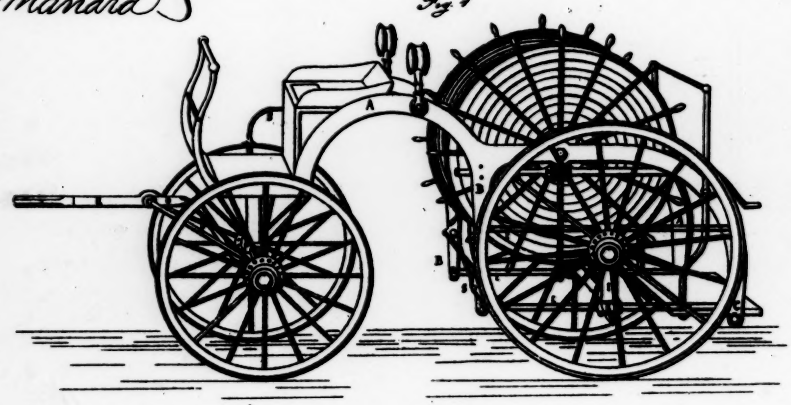


Fig 2

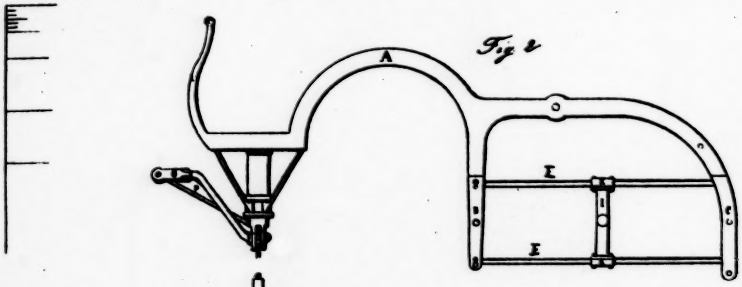
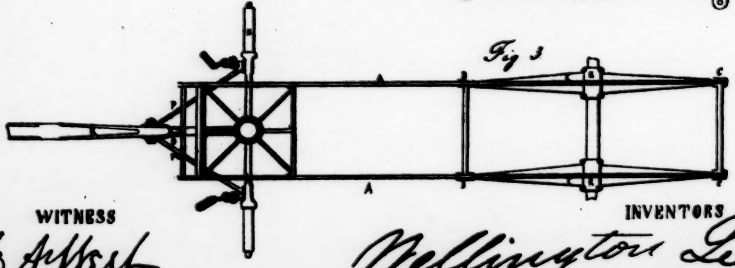


Fig 3



WITNESS

E. A. West.

O. W. Bond.

INVENTORS

Wellington Lee

John A. Kley

H. C. SMITH.

Garden Hose-Holders.

No. 137,802. Patented April 15, 1873.

No. 932.
Preston
vs.
Manard.
p. 98

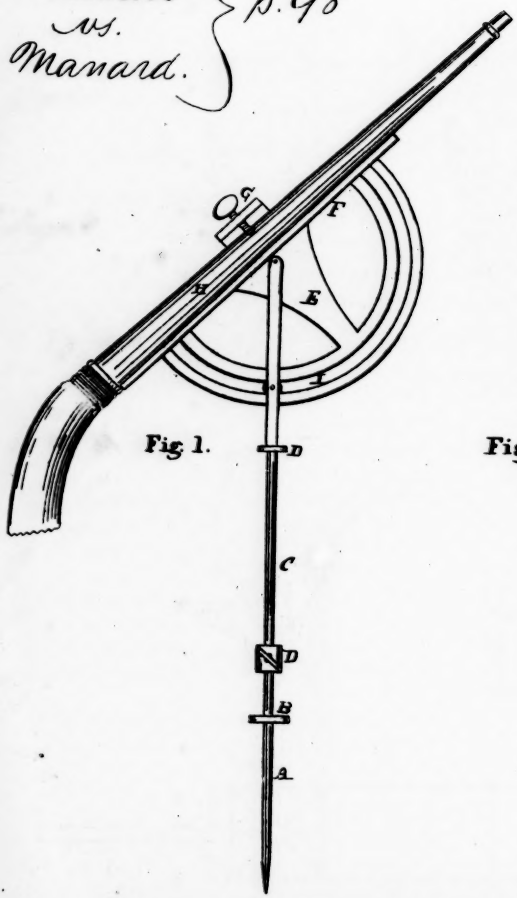


Fig. 1.

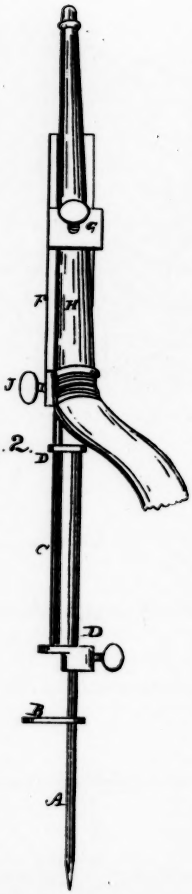


Fig. 2.

WITNESSES

Geo. W. Pickett

Ph. G. Roeder

INVENTOR.

H. C. Smith

In witness whereof I have hereunto signed my name in the presence of two subscribing witnesses.

RUSSELL BRUSIE.

Witnesses:
CHAS. E. POUCHER,
CHAS. M. HIGGINS.

(Here follows diagram marked p. 98.)

99 UNITED STATES PATENT OFFICE.

HENRY C. SMITH, of Cleveland, Ohio.

Improvement in Garden-Hose Holders.

Specification forming part of Letters Patent No. 137,802, dated April 15, 1873; application filed August 7, 1872.

To all whom it may concern:

Be it known that I, Henry C. Smith, of Cleveland, county of Cuyahoga, State of Ohio, have invented an improved adjustable standard or support for holding garden-hose pipe, of which the following is a specification:

This invention has for its object the supplying of a portable and adjustable garden-hose pipe support, which may be readily set in the ground and adjusted for sprinkling lawns or gardens.

In the drawing, Figure 1 is a side elevation, and Fig 2 is an edge elevation, of the above-mentioned hose-pipe support.

A is a rod of iron, having its lower end sharpened to enable it to be easily inserted in the ground, and has a foot-piece, B, for assisting in forcing it down. C is a second rod attached to the rod A by slides D D, the lower one having a set-screw for securing the rods in place. This is to provide for elevating the hose-pipe, as may be desired. To the upper end of the rod C is pivoted a semicircle, E, having a flange, F, and an ear with a lip and set-screw, G, for clamping a hose-pipe, H. The semicircle has a slot, I, with a set-screw, J, through it, entering the rod C, by means of which the hose-pipe may be fixed at any desired angle with the upright rod C.

This is a convenient device for holding a garden-hose pipe, capable of being adjusted at any desired position, and is easily set in the ground and removed from place to place.

Having described my invention, I claim—

The rod A, foot-piece B, rod C, slides D D, semicircle E, with slot I and set-screw J, flange F, and lip and set-screw G, all constructed, combined, and arranged substantially as shown and described, for holding a garden-hose pipe, H, as and for the purpose set forth.

H. C. SMITH.

Witnesses:
GEO. W. TIBBITTS,
PH. G. ROEDER.

(Here follow diagrams marked pp. 100 & 101.)

102 UNITED STATES PATENT OFFICE.

WELLINGTON LEE, of New York, N. Y., and JOHN A. KLEY, of Chicago, Illinois, assignors to the Babcock Manufacturing Company.

Improvement in Hose-Carriages.

Specification forming part of Letters Patent No. 152,849, dated July 7, 1874; application filed March 14, 1874.

To all whom it may concern:

Be it known that we, Wellington Lee, of the city of New York, in the county and State of New York, and John A. Kley, of the city of Chicago, in the county of Cook and State of Illinois, have invented new and useful improvements in hose-carriages, of which the following is a full description, reference being had to the accompanying drawings, consisting of two sheets, in which—

Figure 1 is a perspective; Fig 2, a side elevation of the bed-frame; Fig. 3, a top or plan view of the same; Fig. 4, a side view of the front standard of the reel-frame; Fig. 5, a transverse vertical section of the same on line *x x* of Fig. 4; Fig. 6, a side view of the rear standard of the reel-frame, with one branch of the fork removed; Fig. 7, a transverse vertical section on line *y y* of Fig. 6; Figs 8 and 9, top and edge view of the carrying spring; Figs. 10 and 11, end and side view of the drum or hub of the hose-reel, showing the wheel and drum movement; and Figs. 12 and 13, side elevation and plan view of the rear axle, partly in section.

The object of our invention is to make a hose-reel carriage so that the reel will be nearer the ground and less liable to capsize, and to simplify its parts, so as to make it more efficient and more easily handled than those heretofore in use; and its nature consists in an improved bed-frame, in an improved mode of attaching the springs, in an improved mode of operating the reel, and in the several devices and combinations hereinafter claimed.

In the drawings, A represents the top or main bar of the bed-frame; B, the front standards of the spring-frame; C, the reel-standards; D, pivoted bars for connecting the upper and lower springs together; E, the spring; F, the drum or hub of the hose-reel; G, the worm-wheel; H, the worm; I, bent portion of the axle; K, sockets or lock for securing the springs; L, short axles, to which the rear wheels are attached; M, plate for separating the springs E; N, front axle; O, draft-bar; P, braces for the draft-bar; R, the tongue; S, brake; T, journal of the hose-reel; *a*, pivotal pin of the bar D; *b*, front pivoted bearing for the worm-shaft H; *c*, pivotal pin for connecting the springs E with the bar D; *f*, pin for throwing the worm H in or out of gear; *e*, rear bearing of the worm-shaft; and *d*, cross-rod.

The bed-frame A is made of iron, and is provided with standards B C, which are forked, as shown at Figs. 5 and 7, for the purpose of affording additional security to the springs, and for keeping them in position. The springs E are made of single blades, of a form

tapering to correspond with leverage; and in order to get sufficient strength we have applied them double, as shown. These springs are fitted in a lock or socket, K, which is made to closely fit the angle at the middle of the spring, as shown by the dotted line in Fig. 13. The lower spring is inserted in place, the plate *m* is then placed upon it, when the upper one is placed in position, and the whole bolted together, as shown in section at Fig. 12. By interposing the plate M all friction and wear between the springs is avoided. The springs, at their outer ends, are provided with eyes, and attached to the bars D by the pins *c*, as shown at Fig. 6. The movement at the outer ends of the springs E has a tendency to cause the bars D to approach each other, and this tendency is compensated for by elongating the mortise or opening at the center of the bar, as shown at *a*, Fig. 6. This leaves the springs free to act under all circumstances, which gives the carriage a free and easy movement upon them. The springs are attached to the rear axle above and below the short axles upon which the wheels revolve, as shown at Fig. 12, and by carrying down a portion of the axle I, as shown at said figure, we are enabled to hang the reel much lower than it has been heretofore done, and at the same time give a perfect operation to said springs. The reel is made in the usual form, except that at its outer ends we have provided worm-wheels G, which engage with worms H placed on the shafts running to the reel, so that the reel can be operated by these worms from the rear end of the cart. The worm-shafts are journaled at the front end into eyes or boxes *b*, to admit of a change of position, and at their rear ends they are journaled in an elongated opening or bearing, *e*, so that when raised at that point and
103 resting on the pin *f* the worms H engage with the wheels, and when the pins are withdrawn, so that they rest at the bottom of *e*, the worms will be disengaged, and the hose can be run off without revolving the worm-shafts. The reel is provided with the usual handles, and the carriage with a driver's seat, rear platform, and lamps in the usual manner, except that the driver's seat and platform are wider, and three men can be carried on each, and also with a suitable break.

The front wheels are attached to the bed-frame by means of a suitably braced cylinder, containing a helical or volute spring, through which the king-bolt passes in the usual manner.

It will be observed that the bed-frame A, with its standards B and C, are forged together, so as to form one piece, and that the bar D is only placed in the standard C, which will ordinarily be found sufficient.

For light carriages one worm and wheel may be dispensed with.

What we claim as new is as follows:

1. The frame A B C, the parts B and C being slotted to receive the parts E and D, substantially as and for the purpose set forth.

2. The combination of the worm H and wheel G, with the reel F and frame A, substantially as and for the purpose specified.

3. The socket K, in combination with the parts L and E, substantially as described.

4. The combinations of the springs E with the bent axle I, frame A, and bar D, substantially as described.

5. The bar D, provided with the slot and pin *a*, in combination with the part C, substantially as and for the purposes specified.

WELLINGTON LEE.
JOHN A. KLEY.

Witnesses:
E. A. WEST.
O. W. BOND.

(Here follows diagram marked p. 104.)

105 UNITED STATES PATENT OFFICE.

PETER MÜLLER, of Cleveland, Ohio.

Improvement in Garden-Sprinklers.

Specification forming part of Letters Patent No. 160,220, dated February 23, 1875; application filed January 14, 1875.

To all whom it may concern:

Be it know that I, Peter Müller, of Cleveland, in the county of Cuyahoga, and in the State of Ohio, have invented certain new and useful improvements in garden-sprinklers; and do hereby declare that the following is a full, clear, and exact description thereof, reference being had to the accompanying drawing, making a part of this specification, in which is shown in perspective a garden-sprinkler having my improvement attached thereto.

The object of my invention is to enable water-hose to be employed at any desired distance from a hydrant, and the nozzle to be moved from point to point without rendering necessary the dragging of said hose over the ground; to which end it consists in a portable hose-reel having the discharge pipe or nozzle of its hose attached to a suitable bearing at one end and at the axial center of said reel, and capable of such change in its line as will enable the course of a stream of water to be varied at will, substantially as and for the purpose hereinafter specified.

In the annexed drawing, A and A represent two side bars, which are suitably connected together by two or more cross-bars, B and B, and form a frame for supporting the mechanism of my reel. Said frame is secured to or upon an axle, C, and the latter supported by two ground-wheels, D and D, that are journaled upon its ends. A reel, E, having the usual external form, is provided at one end with a journal that rests within a suitable bearing, *a*, attached to, and extending upward from, the frame, while at its other end the journal is omitted, and the disk E′, which forms said end, is sustained by two grooved rollers, F and F, that are suitably journaled upon said frame, the arrangement being such as to permit said reel to revolve with the usual freedom, and at the same time to cause its central portion, at one end, to be unobstructed by a journal. At the center of the disk E′ is provided an opening, *e*, through which the discharge pipe or nozzle G of a hose, H, protrudes from the inner side, the pipe

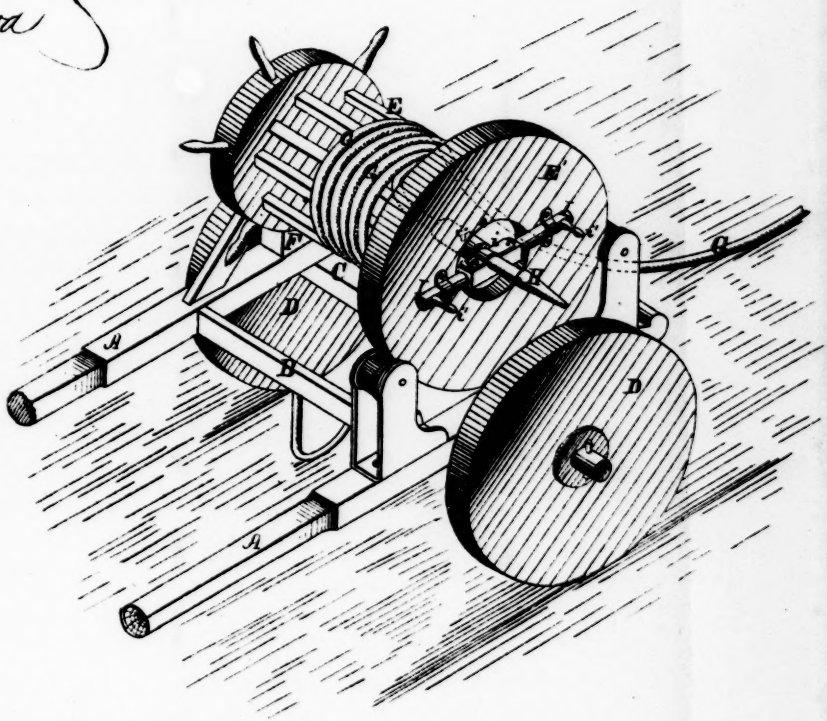
P. MULLER.

Garden-Sprinkler.

No. 160,220

Patented Feb. 23, 1875.

No. 932
Preston
vs
Canard
} p. 104.



WITNESSES:
Jas E Hutchinson
John R. Young

INVENTOR.
Peter Müller by
Prindle and Ca. his Attys

J. A. MILLER.

Hose-Reel

No. 167,851. Patented Sept. 21, 1

No. 932.
Preston
vs.
Manard
p. 106.

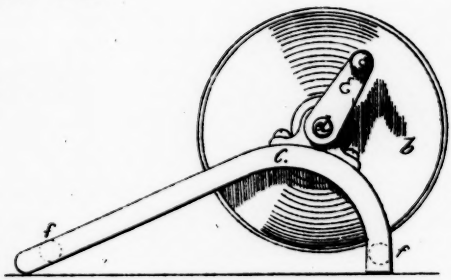


FIG. I.

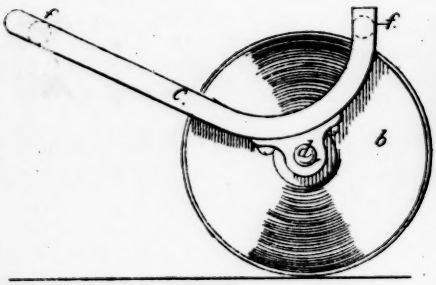


FIG. II

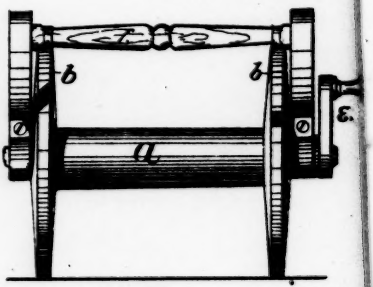


FIG. III.

WITNESSES

R. W. Eaton

J. A. Miller Jr.

INVENTOR

Joseph A. Miller

end of said hose being first wound upon said reel. A bar, I, provided at its longitudinal center with a clamp, *i*, for confining the discharge-pipe G in position, is journaled upon the outer face of the disk E′, and extends across the center of the opening *e*, as shown. Suitable handles *i′* and *i′*, secured within, and extending radially from, the ends of said bar, enable the same to be partially rotated within its bearings, so as to change the line of the nozzle.

As thus constructed and arranged, the apparatus is used as follows: The outer end of the hose is coupled to a hydrant, the cart moved to the point where the water is required, and placed in such position as to cause the discharge-pipe to point in the desired direction. By use of the handles *i′* and *i′*, and by turning the hose-cart as needed, the direction of said discharge-pipe can be changed so as to enable it to command any portion of the grounds, the manipulation necessary requiring less attention than would be required by the use of said discharge-pipe in the ordinary manner.

When the hose-cart is moved from one point to another the hose is either unwound from, or wound upon, the reel, as occasion requires, and thereby much hard work avoided, and the wear of said hose materially lessened.

Having thus fully set forth the nature and merits of my invention, what I claim as new is—

As an improvement in garden-sprinklers, a portable hose-reel having the discharge-pipe of its hose attached to a suitable bearing at one end, and at the axial center of said reel, and capable of such change in its line as will enable the course of a stream of water to be varied at will, substantially as and for the purpose specified.

In testimony that I claim the foregoing I have hereunto set my hand.

PETER MÜLLER.

Witnesses:
H. E. PRINDLE.
JOHN HIRSIUS.

(Here follows diagram marked p. 106.)

107 UNITED STATES PATENT OFFICE.

JOSEPH A. MILLER, of Providence, Rhode Island.

Improvement in Hose-Reels.

Specification forming part of Letters Patent No. 167,851, dated September 21, 1875; application filed March 17, 1875.

To all whom it may concern:

Be it known that I, Joseph A. Miller, of the city of Providence, State of Rhode Island, have invented a new and useful improvement in hose-reels; and I do hereby declare the following to be a full, clear, and exact description thereof, which will enable others skilled in the art to make and use the same, reference being had to the accompanying drawings forming part of this specification.

Figure I is a side view of my improved hose-reel, shown in its position for winding or unwinding the hose. Fig. II is a side view of the same, shown, when used, to be moved from place to place. Fig. III is an end view of the same.

The object of this invention is to make a hose-reel that shall be cheap, shall have a firm support when winding or unwinding the hose, and shall be easily moved from place to place.

The nature of the invention consists in the peculiar arrangement of the supporting-frame, which can be easily reversed, and the reel and hose moved from place to place, as is more fully set forth hereinafter.

In the drawings, *a* is the barrel or drum of the reel. *b b* are two disks or wheels forming the ends of the reel. The reel is supported by its axis on the frame, consisting of two bent arms, *c c*, secured together by the rounds *f f*, as shown in Fig. I. The ends of the arms *c c* rest on the ground and support the reel sufficiently above the ground to allow the same to turn freely. One end of the arms *c c* is nearer to the center of the reel than the other, and rests on the ground near the center of gravity of the reel, while the other extends considerably beyond the reel. When, therefore, the longer end of the arms *c c* is raised, the reel is easily reversed, as the weight of the reel and hose assists in thus reversing the same, and when so reversed the weight, resting on the disks or wheels *b b*, may be rolled along the ground, as is shown in Fig. II, and the reel and hose easily transported from place to place. When the hose is to be unwound the reel is easily reversed and again firmly supported on the frame. The shape of the arms *c c* giving a long base, support the reel firmly. Instead of the bent arms, as shown, for supporting the reel, any other form or frame having one support near the center of gravity, and another at a greater distance from the same, may be used, accomplishing the same result; but I prefer the bent arms *c c* as being simple, cheap, and efficient.

A hose-reel constructed in this manner has many advantages over the ordinary hose-reel, as it can be manufactured and sold at a low price. It may be used in all cases where hose are used for washing walks or watering gardens, and, as the reel forms also the means of transporting the hose, the hose will not be dragged over the ground and thus injured, as it is easier to wind the same on the reel and transport the whole to the desired place. Such a reel will preserve the hose from injury, and, in the ordinary family use for washing walks or watering gardens, a child may move the same to any desired place.

In manufactories such a reel may be placed against the wall, the arms *c c* supporting the reel off the wall, and the hose may be reeled on or off; or the reel with the hose may be easily rolled to any place where the same may be required, thus, in case of fire, saving much valuable time.

Having thus described my invention, I claim as new and desire to secure by letters patent—

1. The combination of the hose-reel, consisting of the barrel *a* and disks or wheels *b b* secured to the barrel, with the arms *c c*, one

2 Sheets—Sheet 2.

G. H. COPPING.

LAWN SPRINKLERS.

No. 180,007. Patented July 18, 1876.

No. 932.
Preston
vs.
Manard.
b.

Fig 4.

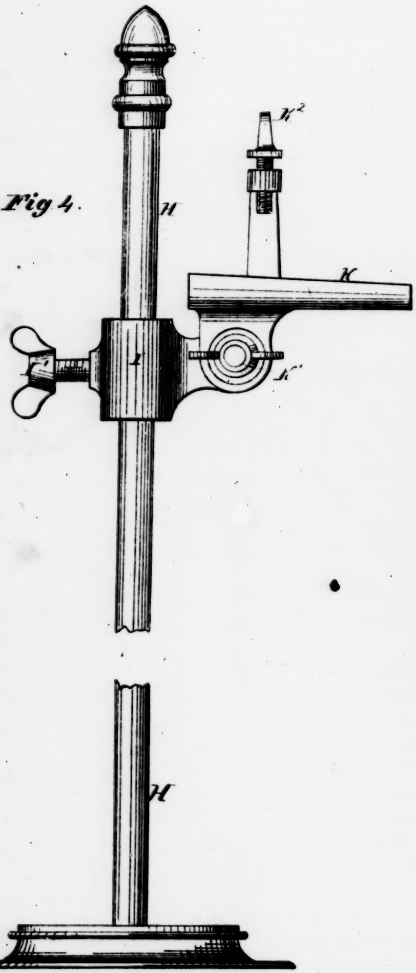
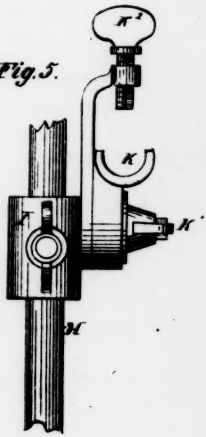


Fig 5.



Witnesses.

William Gill
John Fisk Shaw

Inventor.

George Hiram Copping

2 Sheets—Sheet 1.

G. H. COPPING.

LAWN SPRINKLERS.

No. 180,007. Patented July 18, 1876.

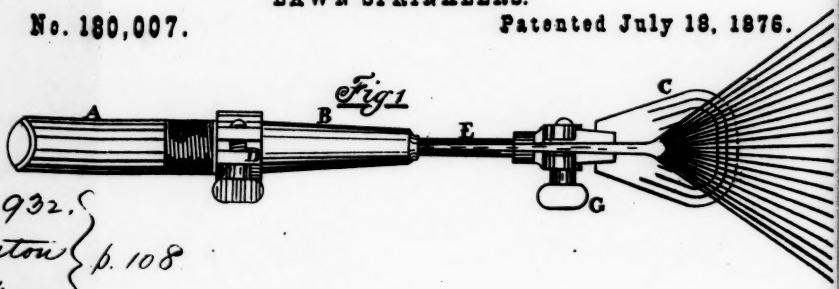


Fig 1

No. 932. S
Preston
vs.
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p. 108

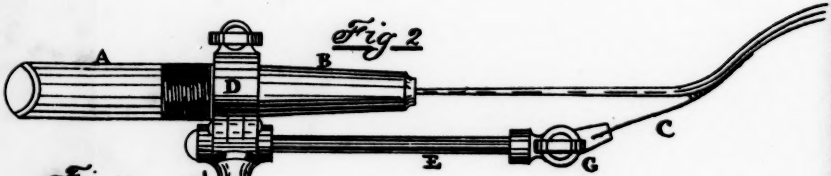


Fig 2

Fig 3

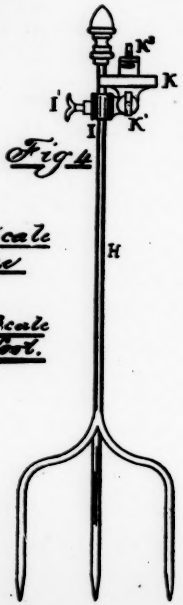


Fig 4

Fig 5

Figs 1. 2. 3. 6 to a Scale of one half ~ full size

Figs 4 and 5 to a Scale of 1½ inches to one foot.

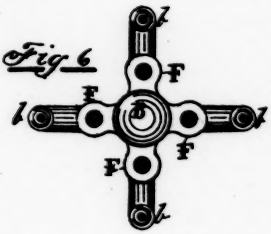


Fig 6

Witnesses
William Gill
John Treat Hazeltine

Inventor
George Hiram Copping.

end of each being shorter, measured from the center of the reel, than the other, substantially as and for the purpose described.

2. The curved arms *c c*, secured together to form the support for a hose-reel, as and for the purpose set forth.

3. The combination, in a hose-reel, of a frame for supporting the reel in one position and to be supported by the reel in a reverse position, with the disks or wheels forming the ends of the reel, and also used for transporting the same, as herein described.

JOSEPH A. MILLER.

Witnesses:

W. C. KING,
J. A. MILLER, JR.

(Here follow diagrams marked pp. 108, 109.)

110 UNITED STATES PATENT OFFICE.

GEORGE H. COPPING, of Toronto, Ontario, Canada.

Improvement in Lawn-Sprinklers.

Specification forming part of letters patent No. 180,007, dated July 18, 1876; application filed March 4, 1876.

To all whom it may concern:

Be it known that I, George Hiram Copping, of the city of Toronto, in the county of York, in the Province of Ontario, Canada, machinist, have invented certain new and useful improvements in lawn-sprinklers; and I do hereby declare that the following is a full, clear, and exact description of the same, whereby others skilled in the art might make and use the same, reference being had to the accompanying drawings, and to this specification.

My invention relates to those sprinklers which are attached by means of hose to the supply-pipe, or tap, from the water-works of a community, but can also be used when connected to a pipe supplied with water by means of a force-pump, or any pipe containing water under a sufficient pressure. It consists of a hose and tripod stand, by which the said hose is held up at a height of about three feet from the ground.

The stand is provided with a movable socket, which can be raised or lowered or turned around to any required position. This socket is provided with a snug or projection to which the hose-holder is attached, and allowing the same to be placed at any angle vertically, so as to afford a sufficient range of action to the sprinkler. It consists also of a branch or nozzle, which is attached to the outer end of the hose aforesaid. This branch is furnished with an adjustable concave plate or spray-distributer, by means of which the spray can be distributed in any and every possible direction in which it may be required. Its chief advantages are, first, that its action is perfect; and, second, that, from its simplicity, it can be produced at a cost so as to bring it within the reach of the community at large.

I construct my sprinkler occasionally with a nozzle having several branches, and attach a distributer to each branch, which, when placed in a vertical position, operate as a fountain.

In the accompany drawings the same letters of reference indicate the same parts in all the views, and in this specification.

Figure 1 is a plan, showing a portion of the hose A, branch B, the concave adjustable spray-distributer C, hinged clamp D, adjustable rod E, and adjusting-screw G.

Fig. 2 is a side view, showing more plainly the various parts enumerated in Fig. 1, and showing also the adjusting-screw F and socket F′.

Fig. 3 is a transverse section, showing the construction of the hinged clamp D, socket F′, and adjusting-screw F.

Fig. 4 is an elevation of the tripod stand H, with movable socket I, tightening-screw I′, hose-holder K, screw K^1, and hose-clamp K^2, which keeps the same from moving in the groove of the hose-holder K.

Fig. 5 is a view of a portion of the stand H, and showing socket I, hose-holder K, with screw K^1 and hose-clamp K^2.

Fig. 6 is a plan of nozzle B, with branches *b′ b′ b′ b′* for more than one distributer C, when so required.

It will be observed on reference to the drawings that if water be admitted under a pressure to the hose A it will rush with a corresponding force through a small aperture in the branch B, and strike at an angle the concave face of the spray-distributer C, and will, in consequence thereof, be scattered and distributed in spray at a considerable distance in front of and on each side of the same, of an equal density, and with precision.

Having thus described my invention, I claim as new and desire to secure by letters patent—

In a lawn-sprinkler, constructed with a spray-distributer, C, as shown and described, the combination therewith of the socket F′, rod E, screws F and G, stand H, sliding socket I, hose-holder K, and clamp K^2, or its equivalent for carrying hose A, and nozzle B, all as shown and described, and for the purposes set forth.

GEORGE HIRAM COPPING.

Witnesses:

WILLIAM GILL,

JOHN FRED'K THACKRAY.

(Here follows diagram marked p. 111.)

112 UNITED STATES PATENT OFFICE.

OLIVER EDWARDS, of Florence, Massachusetts, assignor to Florence Sewing Maching Company, of same place.

Improvement in Stands or Holders for Hose-Pipe Nozzles.

Specification forming part of Letters Patent No. 169,344, dated November 2, 1875; application filed June 30, 1875.

To all whom it may concern:

Be it known that I, Oliver Edwards, of Florence, in the county of

O. EDWARDS.

STANDS, OR HOLDERS FOR HOSEPIPE-NOZZLES.

No. 169,344. Patented Nov. 2, 1875.

No. 932.
Preston
vs.
Nanard.
p. 111.

Fig. 1

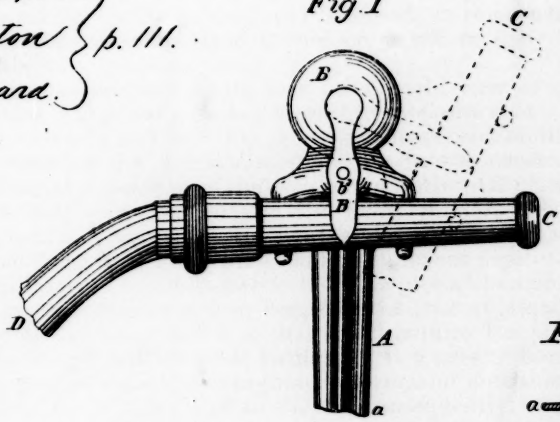


Fig. 4.

Fig. 2.

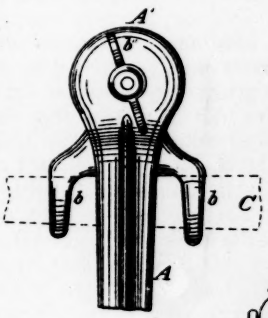


Fig. 3.

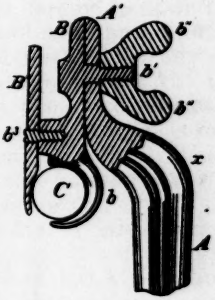
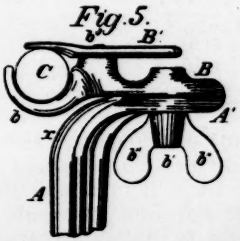


Fig. 5.



Attest:

J. Mason Wolfe

Inventor:

Oliver Edwards
by A. Crawford
Atty.

Hampshire, in the State of Massachusetts, have inventented certain improvements in stands or holders for hose-pipe nozzles, of which the following is a specification:

This invention relates to a stand or holder for holding the pipe and nozzle of a garden-sprinkler when the stand is to remain in one location for a considerable length of time, but can be changed to discharge water in different directions from the stand or holder without taking up the holder; and it consists in the construction of the parts that form the stand or holder, as will be fully hereinafter described.

In the drawings, figure 1 is an unright view of one side of the holder. Fig. 2 is a broken view of the opposite side. Fig. 3 is a part edge view in section. Fig. 4 is a transverse section of the body part of stand; and Fig. 5 is a modification in the construction to give a change of position of the nozzle in a horizontal plane.

A represents the body of the metal support or stake, which is tapered to nearly a sharp point at its bottom end, which is calculated to be forced into the ground a sufficient depth to firmly maintain its position, and securely hold the pipe and nozzle, and in shape in cross-section as seen in Fig. 4, or the four angles are formed into bayonet edges or ribs *a*, so that it will require less power to force it into the ground, and this form gives it a greater bearing-surface in the ground than if rectangular in form, and much less metal is employed in making it of this form; consequently, a saving of metal in making it is the result, without weakening it. At point *x*, near its upper end, it suddenly bends to one side a certain distance, and then upward, forming part A′, the face of which is on a line parallel with the center of the body of the support, which construction allows of the changing the position of the nozzle and keeps the hose from contact with the holder. B is the nozzle-holder, formed to fit on the face of part A′, and held thereto by the screw b^1 and thumb-nut b^2 in such manner that it can turn thereon, and be held in any desired position by turning the thumb-nut hard down on part A′. On one side of the holder, and at a distance apart, project two books, *b*, bent on circular lines to fit the diameter of a round nozzle, as seen in Figs. 1, 2, and 3. B′ is a turn-button or clamping-cam pivoted to holder B, and held in contact therewith by the holding screw or rivet b^3. C is the nozzle or sprinkler of hose-pipe D.

By the above description, the nozzle or sprinkler is only changed in its position with the holder on a vertical plane; but if the bend in the support A at *x* is continued and terminates part A′ on a horizontal line, as seen in Fig. 5, and the holder B, with its clamping device, is also in a horizontal position, then the nozzle will be operated on a plane parallel with the horizon.

In operation, the support is forced into the ground to give security; then the nozzle C is placed in hooks *b* of holder B, and clamped therein by turning button or cam B′ hard onto the nozzle. Then the nozzle is given its direction, and the thumb-nut *b*″ is turned down and holds the nozzle in its position, when the water is let into the nozzle, and from out of which it will flow in one direction until the position of the holder and nozzle is changed.

This holder and support for hose-pipe nozzles is light, symmetrical, and of sufficient strength to hold the nozzle, and can be used by any one without derangement or danger of breaking.

Having thus described my invention, what I claim is—

1. The stand or support A of a hose-pipe nozzle, bent or offset at *x*, as and for the purpose substantially as described.

2. The combination of the bent support A and forming part A′, with the holder B, having hooks *b*, and the screw b′ and thumb-nut *b*″, substantially as described.

3. The combination of the holder B and cam or button B′ with the nozzle C, substantially as described.

4. The support or stand A, bent at *x*, and nozzle-holder B, constructed as above described, as a new article of manufacture.

OLIVER EDWARDS.

Witnesses:
MELVIN H. STEARNS.
FRANK W. MORGAN.

113 Title: "Hose Reel" and plate; "Reel for Garden Hose," on page 1132, vol. 2, of American Mechanical Dictionary, by Knight.

(Here follows diagram marked p. 113.)

114 *Models.*

Compl'ts Exhibit Defendants' Reel.
" " No. 5.
" " McGaffey's First Reel.

Stipulations Regarding Defendants' Reel, and Evidence in Previous Cause Between Same Parties, and Evidence Referred — in such Stipulation.

115 Circuit Court of the United States for the Northern District of Illinois. In Equity.

E. B. PRESTON *vs.* MANARD *et al.*

It is hereby stipulated that the hose reel, marked by the tag attached thereto as "Complainant's Exhibit Defendants' Reel," was sold by the defendants on the first day of April, 1882, at Rockford, in the northern district of Illinois.

It is also stipulated that uncertified office copies of the specifications and drawings of the letters patent of the United States named in the schedule hereto attached may be read in evidence at the hearing with the same force and effect which would be possessed by full certified copies of such letters patent.

It is also stipulated that the formal introduction of said model and copies in evidence before a special examiner or other proper officer be waived.

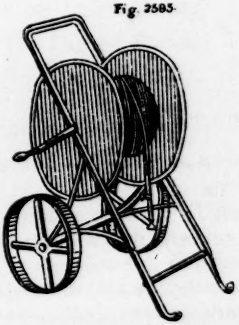
Jan'y 26, 1883.

C. M. BRAZEE, *For Def't.*
MUNDAY, EVARTS & ADCOCK,
Sol'r- for Compl't.

No. 932
Preston
Manara
p. 113

KNIGHT'S AMERICAN MECHANICAL DICTIONARY. VOL. II. pag. 1132.

Fig. 2585.



Reel for Garden Hose

Hose reel. 1. A carriage to carry hose for the service of a fire-engine See Hose CARRIAGE

2 A reel to carry hose for garden, stable, or other domestic uses

116 The following is the schedule referred to in the foregoing stipulation:

No. 36433, Lee & Alden, patented Sept. 9th, 1862.
No. 121,949, J. J. Lessler, Dec. 19th, 1871.
No. 144,415, C. Rider, Nov. 11, 1873.
No. 18421, William Sturgis & McFall, Oct. 13th, 1857.
No. 127,277, Shaw & Ashley, May 28, 1872.
No. 137,175, R. Buies, March 25, 1873.
No. 137,802, H. C. Smith, April 15, 1873.
No. 144,415, C. Ryder, Nov. 11, 1873.
No. 152,849, Lee & Klay, July 7, 1874.
No. 160,220, P. Miller, Feb'y 23, 1875.
No. 167,851, J. A. Miller, Sept. 21, 1875.
No. 180,007, G. H. Copping, July 18, 1876.
No. 169,344, O. Edwards, Nov. 2, 1875.

117 NORTHERN DISTRICT OF ILLINOIS, *ss:*

Circuit Court of the United States. In Equity.

EVERETT B. PRESTON
vs.
ALPHEUS B. MANARD and JAMES W. MANARD.

It is hereby stipulated that the testimony in this case be taken orally under the 67th rule in equity as amended, and that any notary public may act as special examiner in the taking of the same. All testimony so taken may be read at the hearing with the same effect as though taken by a special examiner duly appointed by the court.

Chicago, Illinois, November 21st, 1882.

MUNDAY, EVARTS & ADCOCK,
Solicitors for Complainant.
C. M. BRAZEE, *Solicitor for Defendants.*

118 NORTHERN DISTRICT OF ILLINOIS, *ss:*

Circuit Court of the United States. In Equity.

EVERETT B. PRESTON
vs.
ALPHEUS B. MANARD and JAMES W. MANARD.

To Alpheus B. Manard, James W. Manard, and C. M. Brazee, Esq., their attorney:

GENTLEMEN: Please take notice that on Tuesday the 28th day of November, A. D. 1882, at ten o'clock in the forenoon, at the office of Monday, Evarts & Adcock, room No. 68, Honore Block, Chicago, in said district, we shall proceed to take testimony on behalf of the complainant in the above-entitled cause; that the same shall be continued from day to day until concluded.

You are invited to attend and cross-examine.

Chicago, Illinois, November 21st, 1882.

Very truly,
MONDAY, EVARTS & ADCOCK,
Solicitors for Complainants.

Service accepted this 22nd day of November, 1882.

C. M. BRAZEE,
Solicitor for Defendants.

119 NORTHERN DISTRICT OF ILLINOIS, *ss:*

Circuit Court of the United States. In Equity.

EVERETT B. PRESTON
vs.
ALPHEUS B. MANARD and JAMES W. MANARD.

At Chicago, in the northern district of Illinois, on this 28th day of November, A. D. 1882, at the office of Munday, Evarts & Adcock, before me, H. M. Munday, a notary public, acting as special examiner in said cause, under the amended 67th equity rule, by consent of counsel—present, John W. Munday, Esq., of counsel for complainant, and C. M. Brazee, Esq., counsel for defendants—and thereupon the following proceedings were had in said cause before me:

Complainant's counsel offers in evidence duly authenticated and certified copies from the records of the United States Patent Office of the following documents:

1. Reissue letters patent granted to E. B. Preston, February 28th, 1882, No. 10047, for improvement in fountain hose carriages, and the same is marked "Complainant's Exhibit, McGaffey Reissue."

Objected to by defendants' counsel.

2. File wrapper and contents in the matter of the reissue letters patent granted Iver W. McGaffey, assignor by mesne assignments to E. B. Preston, February 28th, 1882, No. 10047, for improve-
120 ment in fountain hose carriages, and the same is marked "Complainant's Exhibit Reissue File Wrapper and Contents."

Objected to by defendant's counsel as incompetent and improper testimony in any case, and as being an incomplete record of the changes mentioned in the reissue patent.

3. Assignment from Ives W. McGaffey to E. B. Preston, dated December 20th, 1878, and the same is marked "Complainant's Exhibit Assignments."

And thereupon, there being no further evidence offered, further proceedings were adjourned.

[SEAL.]

H. M. MUNDAY,
Acting as Special Examiner.

STATE OF ILLINOIS, }
County of Cook, } *ss:*

I, H. M. Munday, a notary public in and for said county, acting as special examiner, hereby certify that I was attended at the office of Munday, Evarts & Adcock, on the day named in the notice hereto attached, by the attorneys of the respective parties to said suit, that the evidence so taken was reduced to writing by me, and

the several exhibits named therein were produced before me and identified as stated. And I further certify that I am not of counsel or interested, pecuniarily or otherwise, in the event of said suit.

121 In testimony whereof I have hereunto set my hand and official seal this 28th day of November, A. D. 1882.

[SEAL.] H. M MUNDAY,
Notary Public.

H. W. BLODGETT, *Judge.*

Endorsed: Filed M'ch 24, 1885. Wm. H. Bradley, clerk.

122 Afterwards, to wit, on the 9th day of April, 1885, came the petitioner, E. B. Preston, by his solicitors, and filed in said clerk's office his petition for a rehearing in said entitled cause, which said petition is in the words and figures following, to wit:

Petition of E. B. Preston for a Rehearing.

In the United States Circuit Court, Northern District of Illinois.
In Equity.

EVERETT B. PRESTON
vs.
ALPHEUS B. MANARD and JAMES W. MANARD.

To the honorable judges of the circuit court of the United States for the northern district of Illinois:

Your petitioner, Everett B. Preston, showeth unto your honors:

That heretofore, being the owner of certain letters patent of the United States, granted to Ives W. McGaffey for an improved fountain hose carriage, dated October 10, 1876, your petitioner did on or about March 29, 1880, file a bill of complaint in equity in this court against Alpheus B. Manard and James W. Manard, for an alleged infringement of said patent. This suit, upon the original patent, came to a hearing before his honor, Judge Blodgett, previous to, and was decided on or about January 6, 1882. The first claim of the said original patent was in the following words:

123 "1. The hose reel, mounted on a wheeled carriage, which is provided with a foot or brace by means of which it may be sustained in an upright vertical position, whereby the device becomes capable of use both as a hose carriage and as a fountain standard, substantially as specified."

At the hearing above mentioned it was conceded by the petitioner's counsel that the above claim in its naked terms, if not construed with the specification of the patent, was for a subject-matter shown to exist in the prior art, because the prior art, as exemplified by the older patents, did show especially in the prior Lessler patent, and also in Knight's Mechanical Dictionary, a hose reel mounted upon a wheeled carriage, which was provided with a foot or brace, by means of which it might be sustained in an upright vertical position. But said prior Lessler device did not show such parts sub-

stantially as specified in the McGaffey patent, nor having the same mode of operation, nor producing the same result; and it was contended by petitioner's counsel, in view of these facts, that the court upon the principle *ut res magis valeat quam pereat* should construe the claim in the light of the specification, to be limited to the combination set forth when the hose reel of the patent was employed, which, according to the specification, is a hose reel of large diameter, large enough to permit the water to flow through the hose when wound or partially wound thereon, this being a condition necessary to the accomplishment of the new result effected by McGaffey's invention. The court, however, did not so limit the claim by construction, but, on the contrary, held said claim to be void, as claiming what McGaffey did not invent, and the bill of complaint was dismissed by the court.

Thereupon your petitioner, acting upon the advice of his counsel, and in view of the opinion of the learned judge, immediately surrendered the said letters patent, because more was claimed therein than said McGaffey had invented, and the same was reissued February 28, 1882, with amended claims, and especially with an amended first claim. Said amended first claim in the reissued patent is in the following words:

124 1. The combined hose carriage and fountain standard, consisting in the combination of the following elements, viz. a wheeled carriage provided with a foot or brace, by means of which it may be sustained in an upright vertical position, a nozzle-holding device, and a reel of large diameter to allow the water to flow through the hose, when partially wound thereon, substantially as specified.

And your petitioner did at once file another bill of complaint against the same defendants in this court upon the amended patent, praying an injunction and asking to recover profits and damages, but not seeking to recover profits and damages for any infringement committed prior to the surrender and reissue of the said patent, because by such surrender and reissue all such prior damages were waived.

The last-named suit came duly to a hearing upon pleadings and proofs and was at this present term decided, the court holding that the reissued patent is void because the first claim of said reissued patent is an enlargement of the first claim of the original patent.

The said cause was submitted upon briefs only, and no oral presentation was had by either party.

Your petitioner respectfully represents that the court in deciding that the patent is void, for the reason above stated, made a grave mistake, as your petitioner humbly submits, as to facts plainly appearing in the record, and to which attention was called by complainant's brief, and which moreover are set forth in the file wrapper and contents of the reissued patent, a certified copy of which is in evidence and was produced to the court.

It appears from a consideration of the first claim of the original and reissue, that the first claim in the original is not limited in terms to a special kind of reel, but is broad enough in terms to cover any kind of hose reel in the combination specified in the claim, and

this was the view taken by the court in the first suit, while the first claim of the reissue is limited by its terms to a special kind of reel in the same combination, which is plainly apparent from the terms of the claim itself.

125 And your petitioner therefore respectfully submits that a claim for a certain combination of parts which contains a limitation to a specific kind of one of the parts is necessarily a narrower claim than a claim for the combination of the same parts, without a limitation as to one of the parts, and that the court must therefore have been mistaken in holding the contrary.

Every fountain hose carriage that would be an infringement of the first claim of the reissue patent would also be an infringement of the first claim of the original patent, as will appear from a consideration of the two claims; but every hose carriage that would infringe the first claim of the original patent will not infringe the first claim of the reissue, as will also appear from a consideration of the said claims, because to infringe the original claim (or, conversely, to anticipate it in the prior act, as said claim was construed by this court) there need only be found a wheeled carriage provided with a foot or brace, by means of which it may be sustained in an upright vertical position and provided with a hose reel; whereas to infringe the claim of the reissue, the wheeled carriage provided with a foot or brace, by means of which it may be sustained in an upright vertical position, and provided with a hose reel, must be found as in the original; but moreover, in addition, the hose reel must be "a reel of large diameter to allow the water to flow through the hose when partially wound thereon." And, in the nature of things, the court must have been mistaken in holding that said reissue first claim is an enlargement of said original first claim. The reissue first claim, in fact, claims the identical same subject-matter as the original first claim, with an added limitation, viz., to a particular kind of reel.

The original was broad enough to include, and did include (as construed by the court), the combination with the upright carriage of any and every kind of hose reel; whereas the reissue is limited to this same combination of the upright carriage with only one particular kind of hose reel, namely, one of sufficiently large diameter to permit the water to flow through the hose wound thereon, and capable of having the mode of operation of the invention, as set forth in the specification of this patent. The claim of the original (as construed by the court) was broad enough to include the

126 combination of such an upright carriage and hose reel as is shown in Knight's Mechanical Dictionary, a prior publication; whereas the claim of the reissue, by its very terms, does not include such device, and would not be infringed by it.

Your petitioner is advised that the Supreme Court of the United States has held in the cases of Mahn *v.* Harwood and Miller *v.* Bridgeport Brass Co. that a reissue with enlarged claims, or which claims something that was not covered by the original, is invalid if not obtained promptly. But he is also advised that the same cases decide that a reissue is at any time proper where the same subject-matter is claimed in a more specific or limited form.

While it may be true, as suggested in the opinion of the court in this cause, that if McGaffey invented the hose reel of large diameter he gave it to the public by not claiming it, still it is also true that McGaffey did not intend to give to the public this large diameter hose reel when employed in combination with an upright wheeled carriage having a foot or brace, because in the original patent he claimed this combination in terms broad enough to include such a reel (and as the court construed the claim broad enough to include also other reels) and it cannot be said in view of this that the public acquired any rights whatever in such combination.

It may be that the court has labored under the impression that, in the reissue patent, it was sought to claim, *per se*, a reel of large diameter, in which case the conclusion that McGaffey, if he was the inventor of it, had given it irrevocably to the public, by not claiming it in the original patent would be right, and, as your petitioner is advised, in strict accord with the recent utterances of the Supreme Court. But the fact is that the reissue does not attempt to claim the reel of large diameter, except in a certain combination of parts, including said reel of large diameter, as one element, which same combination was claimed in the original patent, but not limited (as the court held) to the particular kind of reel, to which particular kind of reel in such combination the amended patent is now limited.

Your petitioner, therefore, believing that, by inadvertence and mistake, justice has not been done, prays that the order dis-
127 missing the bill made herein on the twenty-fourth day of March, A. D. 1885, be set aside, and that the cause may be reheard.

And your petitioner will ever pray, etc.,

EVERETT B. PRESTON.

We humbly conceive that the above petition is well founded in point of law and proper to be considered by the court.

MUNDAY, EVARTS & ADCOCK,
Complainant's Solicitors.
JOHN W. MUNDAY, *Of Counsel.*

UNITED STATES OF AMERICA,
Northern District of Illinois, } ss:

—— ——, being duly sworn, says he has read the foregoing petition, and knows the matters therein set forth, and that the same is true to the best of his knowledge and belief.

EVERETT B. PRESTON.

Subscribed and sworn to before me this 6th day of April, A. D. 1885.

[SEAL.] CHARLES J. KAVANAUGH,
Notary Public.

Endorsed: Filed April 8, 1885. Wm. H. Bradley, clerk.

128 Afterwards, to wit, on the twentieth day of April, in the adjourned March term of said court, 1885, in the record of

the proceedings thereof in said entitled cause, before Hon. Henry W. Blodgett, district judge, is the following entry, to wit:

Order.

EVERETT B. PRESTON
vs.
ALPHEUS B. MANARD *et al.* } In Chancery.

Now come the parties herein, by their solicitors, and this cause comes on to be heard upon the petition of the complainant for a rehearing herein; and, after hearing the arguments of counsel, the court denies said petition.

Afterwards, to wit, on the twenty-first day of May, in the adjourned May term of said court, 1885, in the record of the proceedings thereof in said entitled cause, before Hon. Henry W. Blodgett, district judge, is the following entry, to wit:

Order.

EVERETT B. PRESTON
vs.
ALPHEUS B. MANARD *et al.* } In Chancery.

On motion of the complainant, by Mr. Munday, his solicitor, the time for filing appeal bond herein is hereby extended sixty days.

129 Afterwards, to wit, on the twenty-fifth day of June, 1885, there was filed in said clerk's office an appeal bond in said entitled cause, which said bond is in the words and figures following, to wit:

Appeal Bond.

Know all men by these present that we, Everett B. Preston and Roscoe G. Wallace, both of Chicago, in the county of Cook and State of Illinois, are held and firmly bound unto Alpheus B. Manard and James W. Manard, of Rockford, in the county of Winnebago and State of Illinois, in the full and just sum of five hundred ($500) dollars, to be paid to the said Alpheus B. Manard and James W. Manard, their certain attorney, executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally by these presents. Sealed with our seals and dated this twenty-fifth day of June, in the year of our Lord one thousand eight hundred and eighty-five.

Whereas lately at a term of the circuit court of the United States within and for the northern district of Illinios, in a suit depending in said court between said Eeverett B. Preston, as complainant, and said Alpheus B. Manard and James W. Manard, as defendants, a decree was rendered against the said Everett B. Pres-
130 ton, and the said Everett B. Preston having prayed an appeal to the Supreme Court of the United States to reverse the decree in the aforesaid suit:

Now, the condition of the above obligation is such that if the said Everett B. Preston shall prosecute his said appeal to effect and answer all damages and costs if he fail to make his plea good, then the above obligation to be void; else to remain in full force and virtue.

EVERETT B. PRESTON. [SEAL.]
ROSCOE G. WALLACE. [SEAL.]

Approved by—

WM. H. BRADLEY, *Clerk*,
By E. A. DRUMMOND, *Dep'ty Clerk*.

Endorsed: Filed June 25, 1885. Wm. H. Bradley, clerk.

131 NORTHERN DISTRICT OF ILLINOIS, *ss:*

I, William H. Bradley, clerk of the circuit court of the United States for said northern district of Illinois, do hereby certify the above and foregoing to be a true and correct transcript of the record of all the proceedings had in said court in the cause wherein Everett B. Preston is the complainant and Alpheus B. Manard and James W. Manard are the defendants, as the same appear from the files and records of said court now remaining in my custody and control.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at my office in Chicago, in said district, this eighteenth day of August, 1885.

[Seal of Circuit Court U. S., Northern Dist. Illinois, 1885.]

WM. H. BRADLEY, *Clerk*.

132 *Appeal.*

Supreme Court of the United States. October Term, A. D. 1885.

EVERETT B. PRESTON
vs.
ALPHEUS B. MANARD & JAMES W. MANARD.

And now comes the said Everett B. Preston, by John W. Munday, his solicitor and counsel, and says that in the record and proceedings aforesaid there is manifest error in this, to wit:

1st. The court erred in holding the reissued patent sued upon to be void, on the ground that the same is broader than an enlargement of the original patent, whereas it is apparent upon the face of the original and reissued patents that the latter is narrower than and a restriction of the former.

2d. The court erred in holding that the reissued patent sued upon covers any other invention than that covered by the original patent.

3d. The court erred in holding that the subject-matter of any claim of the reissued patent sued upon had been dedicated to the public.

4th. The court erred in holding that the reissued patent sued on is void by reason of laches in applying for the same.

5th. The court erred in holding the reissued patent sued upon to be void, by reason of lack of novelty.

6th. The court erred in holding the reissued patent sued upon to be void for lack of patentable invention.

7th. The court erred in finding the equities for the defendants and dismissing the bill, whereas it should have found the equities for the complainant and granted the relief prayed in the bill.

And the said Everett B. Preston prays that the decree aforesaid may be reversed, and that he may be restored to all things which he hath lost by occasion of said decree, &c.

JOHN W. MUNDAY,
Counsel for Appellant.

Endorsed on cover: N. Illinois, C. C. U. S. No. 932. Everett B. Preston, Appellant, *vs.* Alpheus B. Manard & James W. Manard. Filed September 8, 1885.

Office Supreme Court U. S.
FILED
DEC 28 1885
JAMES H. McKENNEY,
CLERK.

116-661

BRIEF FOR APPELLANT.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, A. D. 1885.

No. 932.

EVERETT B. PRESTON, APPELLANT,

vs.

ALPHEUS P. MANARD AND JAMES W. MANARD.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF ILLINOIS.

FILED SEPTEMBER 8, 1885, AND SUBMITTED ON BRIEFS BY STIPULATION.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, A. D. 1885.

No. 932.

EVERETT B. PRESTON, APPELLANT,

vs.

ALPHEUS P. MANARD AND JAMES W. MANARD.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF ILLINOIS.

STATEMENT OF THE CASE.

The appellant—who was the complainant in the court below—brought this suit for infringement of Re-issue Letters Patent No. 10,047, granted February 28, 1882, for improvement in fountain hose carriages. The original patent was dated October 10, 1876. The application for the re-issue was filed January 21, 1882. The Circuit court, on the authority of *Mahn* v. *Harwood*, 112 U. S., 354, and other decisions of this court relating to re-issues, dismissed the bill, holding the re-issue to be void by reason of *laches*, as the same was not applied for until something over five years after the date of the original patent.

The claim made in the re-issue is narrower in terms than that made in the original, and covers less, because the re-issue claim contains all the elements or limitations found in the original claim, and also includes an additional element, limitation or restriction not found in the original claim, as will clearly appear from a mere inspection and comparison of the claims.

Prior to this present suit on the re-issue patent a previous suit between the same parties on the original patent, was heard by the

court below, and the broad claim of the original patent was held to be void, because in its broad terms it was anticipated in the prior art and therefore covered more than was of the patentee's invention. This previous decision was rendered on or about January 6, 1882. Within fifteen days from the date of this decision on the original patent the application for the re-issue now in suit was filed in the patent office for the purpose of restricting the claim within proper bounds.

The principal question to be determined by this appeal—or at least the one upon which the case turned in the court below—is simply one of law, and whether the doctrine of *laches* as laid down in *Mahn* v. *Harwood*, *supra*, and other cases, properly applies to a case where the claim has not been enlarged but has been limited by the re-issue; and where, as in this case, the sole purpose and effect of the re-issue was to limit and restrict the patent so as to claim no more than the real invention made by the patentee.

If this point, however, should be resolved in favor of the appellee, a second question will then arise: Whether or not a patentee has been guilty of any *laches*, who files his application for the re-issue to restrict his claim within fifteen days after the decision of the Circuit court, holding the claim of the original patent in a suit brought thereon to be in its general terms anticipated in the prior art.

This court may also be asked as a matter of legal construction to compare the claims of the original and re-issue and determine whether or not the latter is in fact more limited and restricted than the former.

It should be farther stated that there are a number of prior patents or publications in the record. We do not believe, however, that it will be seriously contended any of them anticipate the claims made in the re-issue. The only one of them which at all approaches the patented invention is the P. Muller Patent No. 160,220, and the proof shows that this is not early enough in date to anticipate the patentee.

The question of infringement is likewise free from reasonable doubt.

Assignment of Errors.

1st. The court erred in holding the re-issued patent sued upon to be void, on the ground that the same is broader than and an enlargement of the original patent, whereas it is apparent upon the face of the original and re-issued patents, that the latter is narrower than and a restriction of the former.

2d. The court erred in holding that the re-issued patent sued upon covers any other invention than that covered by the original patent.

3d. The court erred in holding that the subject-matter of any claim of the re-issued patent sued upon had been dedicated to the public.

4th. The court erred in holding that the re-issued patent sued on is void by reason of laches in applying for the same.

5th. The court erred in holding the re-issued patent sued upon to be void by reason of lack of novelty.

6th. The court erred in holding the re-issued patent sued upon to be void for lack of patentable invention.

7th. The court erred in finding the equities for the defendants and dismissing the bill, whereas it should have found the equities for the complainant and granted the relief prayed in the bill.

BRIEF OF ARGUMENT.

I.

NATURE OF THE INVENTION.

A proper understanding of the case demands a brief explanation of the invention, which is of a very simple character. The patented device is called a "Fountain Hose Carriage," and is designed to facilitate the handling and use of garden hose for sprinkling lawns and the like. Prior to the introduction into general and public use of the patented device by Mr. McGaffey, the patentee, or his assignee, the appellant, the common method was to employ an ordinary stake or fountain standard to hold and poise the hoze nozzle at the requisite elevation, the hose through which the water passed being entirely unwound from its reel or spool and its whole length laid on the ground, whatever might be the length of hose needed to reach from the hydrant or source of water supply to the point where the stake or fountain standard was planted. The necessity for some means of overcoming the inconvenience of this old way which involved the handling and unreeling of the entire length of hose, the dirt and wet which would soil both the hose and the operator, and of dragging the hose bodily on the ground when moving the fountain standard from one point to another of the lawn may be said to be the mother of this invention.

The object of the patentee Mr. McGaffey's invention was to provide a hose carriage or reel which would also serve as a fountain standard while the hose was wound upon the reel, and which could be moved from place to place, taking up or paying out hose as it went, without detaching the hose from the hydrant and while the fountain or water was still playing from the nozzle, or in condition to play.

Or, to state it in other words, Mr. McGaffey designed to produce a portable fountain standard provided with a reel for taking care of that portion of the hose not necessary to reach from the fountain standard to the hydrant, and through which portion of the hose, though wound upon the reel, the water could freely play, so that it would only be necessary to unwind from the reel just enough hose to reach from the hydrant to the desired point.

The means or mechanical devices which Mr. McGaffey employed to effect this result, consist, as appears from his patent, in a wheeled carriage provided with a foot or brace to sustain it in

an upright or vertical position, a device for holding or poising the nozzle thereon, and a reel of large diameter to permit the water to flow through the hose and out through the nozzle, while the hose or the unused portion of it is wound upon the reel. *His invention consists, therefore, in the union or combination of these three elements in a single device or apparatus, whereby this new and useful result is accomplished of poising the nozzle and forming a fountain while the unused portion or surplus length of the hose is taken care of and wound upon its reel.*

Mr. McGaffey's invention or device is intended and designed for use in cities where an ordinary head or pressure of water is supplied or maintained by the water-works, and for the patented device to be capable of this new mode of operation and of accomplishing this new and useful result, it is essential that the reel, upon which the unused portion of the hose is wound, be one of large diameter, so that the hose wound upon the reel will not absolutely stop or obstruct the flow of water and cause it to simply ooze slowly out of the nozzle instead of forming a practical fountain or spray, as it would do if wound upon an ordinary reel, by reason of the kinks or short bends which would be formed in the hose.

II.

THE RE-ISSUE.

1st. The doctrine of laches does not apply to this case.

An inspection of the original patent will disclose that the invention is what we have above described. And the drawing of the original patent shows the reel as being one of large diameter, one whose diameter in that portion on which the hose is wound, is from one-third to one-half the entire height of the fountain standard, fifteen or eighteen inches or more; and the specification says: "*A reel of a sufficient diameter so that the water will freely flow through the portion of the hose wound thereon.*" (Rec., 32, 33, 34.)

The first or principal claim however of the original patent was as follows:

"1. The hose-reel mounted upon a wheeled carriage, which is provided with a foot or brace, by means of which it may be sustained in an upright vertical position, whereby the device becomes capable of use, both as a hose-carriage and as a fountain standard, substantially as specified." (Rec., 34.)

And as this claim did not specifically recite that the reel was one of large diameter, the Circuit court in the previous suit above referred to on the original patent, held the claim to be anticipated by

a prior device, which does not show a reel of large diameter, and which is incapable of the mode of operation of the patented invention. The patent was therefore immediately re-issued, substituting for the claim above quoted, the following:

"1. The combined hose-carriage and fountain standard, consisting in the combination of tne following elements, viz: A wheeled carriage, provided with a foot or brace by means of which it may be sustained in an upright vertical position, a nozzle-holding device, and a reel of large diameter to allow the water to flow through the hose when partially wound thereon, substantially as specified." (Rec., 23.)

A comparison of these two claims will show that the last quoted or re-issue claim is expressly limited to a particular form of hose-reel, viz: "A reel of large diameter to permit the water to flow through the hose when partially wound thereon," in connection or combination with the other parts named; while on the other hand, the original claim in terms covers any and all kinds of hose-reels in connection with the other parts. Moreover it will be noticed that the re-issue claim is still farther limited by the express addition of "a nozzle-holding device" as an element, which is not found in the original claim, unless indeed by uncertain implication from the use of the term "fountain standard."

The original claim contains but three elements or limitations, to wit: 1st, a hose-reel; 2d, a wheeled carriage; and, 3d, a foot or brace, by means of which it may be sustained in an upright vertical position.

While the re-issue claim contains five express elements or limitations: 1st, a hose-reel; 2d, a wheeled carriage; 3d, a foot or brace, by means of which it may be sustained in an upright vertical position; 4th, that said reel be of large diameter, to allow the water to flow through the hose when wound thereon; 5th, a nozzle-holding device.

It will be seen that not only is the claim of the re-issue a more limited combination, containing more elements or restrictions than the original, but that it is in fact the same claim as the original, with these limitations added thereto.

Anything that would infringe the re-issue claim would also infringe the original; but the converse of this is not true. It is perfectly clear, therefore, that the claim of the re-issue is a limitation of the original claim.

While the contest in the court below was in fact made on the first claim only, it will be seen that no one of the claims of the re-issue is as broad, or covers as much as the first claim of the original.

Now, we submit the question: Is there any good reason known to law why a patentee who discovers, or who is told by a court that his claim is too broad, should not be allowed at any time before the

patent expires, to surrender the same, and amend it by limitations, which bring it to cover his exact invention, and no more?

The statute concerning re-issues seems to have expressly contemplated this very case, as it says that a re-issue may be had "whenever any patent is inoperative or invalid, * * * *by reason of "the patentee claiming as his own invention or discovery more than "he had a right to claim as new.*"

Rev. Stat., Sec. 4,916.

In *Mahn* v. *Harwood*, *supra*, and in the numerous other cases in which the court has held re-issue patents to be void, on the ground of *laches*, the re-issue was invariably an expansion of the original patent, the claim or claims of the re-issue covering more than the claim or claims of the original; and generally, if not in every case, it was apparent, on the face of the patent, that the only object or purpose of the re-issue was to enlarge the scope of the patent and expand the claims.

Mfg. Co. v. *Ladd*, 102 U. S., 413.
Miller v. *Brass Co.*, 104 U. S., 350.
James v. *Campbell*, 104 U. S., 356.
Johnson v. *R. R. Co.*, 105 U. S., 539.
Mathews v. *Machine Co.*, 105 U. S., 54.
Bantz v. *Frantz*, 105 U. S., 160.
Gage v. *Herring*, 107 U. S.
Mahn v. *Harwood*, 112 U. S., 354.

None of the reasons which this court has given, in these numerous cases, why a re-issue having expanded claims should be void, unless promptly applied for, apply to a case where the re-issue is more limited than the original. And indeed in many of these cases this court has expressly indicated that the reason of the rule does not apply to a re-issue with narrowed claims. For example, in *Mahn* v. *Harwood*, this court says:

"Lapse of time may be of small consequence on an application "for the re-issue of a patent on account of a defective specification "or description, *or where the original claim is too broad.*" 112 U. S., 360.

And there are many good reasons why a re-issue to narrow the claim of the original should be allowed at any time that the patentee may desire. *First*, narrowing the scope of a patent takes nothing from the public and can work no injury, but is rather a benefit to the public generally. *Second*, it is practically impossible for a patentee to always know exactly what may exist in the prior art at the time he makes his original claim. The hasty search made by the patent office upon the filing of his application, is frequently inadequate to disclose even all the United States patents bearing upon

the matter. In addition to the United States patents the prior art takes in also all the foreign patents and all the printed publications of any kind relating to or touching upon the subject. It is rather much to expect that the patentee or the patent office shall always know all that the libraries contain. But even aside from this it is obviously impossible for any patentee to know with certainty about all prior public uses which may turn up in a suit brought upon the patent. Consequently, it being in the nature of things impossible for the patentee to always limit his claims to just what he is entitled to claim, it would be a gross injustice, and contrary to the spirit of the law to prohibit him from correcting his innocent error. It is hardship enough in such a case that in order to re-issue his patent he must give up all right to recover damages for infringements committed prior to the re-issue. *Third*, the knowledge of a prior patent, printed publication, or public use, which makes it necessary to limit the broad wording of a claim in the original patent, may come to the patentee at any time during the life of the patent, and, in fact, does not usually come until after suit is brought. Hence the right to amend ought not to depend in any way on the age of the patent.

2nd. There has been no laches.

But even if the right to obtain a re-issue for the purpose of limiting the claim may be ever forfeited by delay in applying for the same, in the case at bar there has been no unreasonable delay. Because the patentee or owners of the patent as well as everybody else had a perfect right to suppose and to rest upon the belief that the original patent was valid and that the broad claim thereof was a valid claim. And the parties in interest had no reason to believe the original claim too broad or invalid until the decision of the Circuit court in the prior suit brought on the original patent. And within fifteen days after this decision the application for the re-issue was filed. Taking into consideration the time necessary to consider the decision, to prepare the re-issue application and to transmit the same to the patent office, it must be considered that there was no delay.

The facts in relation to the previous suit in the original patent appear from the petition for rehearing (Rec., 61, 62); the date of filing the application for re-issue is shown by the file wrapper and contents of the re-issue application. (Rec., 25–32.)

3d. The re-issue is for the same invention.

We do not understand that it will be here contended that the re-issue is for a different invention than the original, at least no such contention was made in the court below. In this connection, however, we would call attention to the fact that the drawing and the

specification of the re-issue are identical with the drawing and the specification of the original patent and that no change whatever has been made by the re-issue, except in the claims. The limitation inserted in the claims of the re-issue in regard to the large diameter of the reel to allow the water to flow through the hose while partially wound thereon, is a feature of the invention which is clearly shown and described in the original patent.

The drawing of the original patent shows this reel of large diameter, mounted on a wheeled carriage, having a foot or brace for sustaining it in an upright position, and provided with a clasp or device at its top for holding and poising the nozzle. The device shown in the drawing is therefore not a mere fountain standard, nor a mere hose reel or carriage, but a combined fountain standard and hose-carriage, or as it is called on the drawing itself, a "Fountain Hose Carriage," that is to say, a hose-carriage provided with a nozzle-holding device, and having a foot or brace to sustain it in an upright position as a fountain standard, and having a reel of large diameter so that the water can play through the hose and form a fountain while wound upon the reel. This is the invention which is shown in the drawing of the patent. And upon examining the specification of the original patent, we find that the same invention is therein described. The specification says: "In the said drawing A represents a standard, mounted upon an axle, B, to which are applied the wheels, CC, and a foot, D, so contrived, as shown, that when the device rests upon the tripod formed by the wheels and the foot, the standard will assume an upright vertical position, *to serve as a suitable fountain standard;* and for this purpose the standard A is provided with a nozzle-holding contrivance applied to the upper end thereof," etc.

"Upon the standard A, *at a suitable height from the ground*, is a collar F, fitted to turn loosely upon the standard. To this collar is affixed, or made part therewith, the reel spindle G, upon which is placed the hose reel H."

The "suitable height" above referred to is that necessary to accommodate the reel H, which, by reference to the drawing, will be seen to be one of large diameter, and which is subsequently referred to in the specifications as "a reel of a sufficient diameter so that the water will freely flow through the portion of the hose wound thereon," and which the specification in still another place mentions as one of large diameter. "*This, in connection with the large diameter of the reel, facilitates the discharge of the water.*"

It is true that the specification does not positively specify the diameter of the reel H in inches; but this was not necessary, because its relative size is clearly shown by the drawing, to which the specification directly refers by the reference letter "H." It should also be remarked that the specification is addressed to those skilled

in the art, to whom the height of an ordinary fountain standard is of course well known, and to whom a drawing showing the relative size of the reel to the length of the fountain standard would give sufficiently precise directions as to the size of the reel itself.

And though the specification does not, except by reference to the drawing, state the exact diameter of the reel, it does, however, clearly point out what the mode of operation of the invention is, and that this mode of operation is such that the reel must be of sufficient diameter to allow the water to flow through the hose and form a fountain while the hose or the unused portion of it is wound upon the reel.

"In operation, the butt of the hose may be attached to the hydrant, and the body of the hose being upon the reel, the standard and reel may be wheeled along to the place desired, paying out hose as it goes. *More or less hose may be thus paid out, and the nozzle being poised to its work, it may remain in operation for a time in a fixed position, or at rest;* or the apparatus may be moved about from place to place, *and the hose taken up or paid out to suit, while the water is playing as well as when shut off.* The reel being supported at a considerable height from the ground, *renders it possible to employ a reel of a sufficient diameter so that the water will freely flow through the portion of the hose wound thereon.* It will be seen therefore that the apparatus may be used *as a lawn fountain or sprinkler, and moved from place to place without touching the hose with the hands*, thus avoiding the dirt and wet; *and also that the hose may be taken up or paid out from the standard itself*, as it is moved about, which is a better way than having the standard at one place and the reel at another, or than having no reel, because the work may be all attended to at the standard, *and no more hose left on the ground than is absolutely necessary.*"

Not only is it thus clear from the specification that the mode of operation of the invention is such that a reel of large diameter, such as shown in the drawing, is necessary to make the invention operative and to accomplish its result or object, but it appears from the specification that the inventor has gone on, in order to further perfect the invention, and devised or adopted a particular construction of large diameter reel, which he conceives will be better adapted to accomplish its result, and offer less obstruction to the free flow of the water through the hose wound upon the reel than if the large diameter reel were made in the form of a drum.

"With a view to this method of using the apparatus, a peculiar feature of the reel consists in the fact that the hose is wound upon four separate points or bars. This, in connection with the large diameter of the reel, facilitates the discharge of the water. To make this clear, it is necessary to understand that each bar is liable to make a dent upon the inner side of the hose. This dent

the water passing through will straighten out, but the effort to straighten the dent will cause a tendency of the hose to rise at this point and in the part of the hose between the bars to recurve or bend toward the center of the reel. Now, if a solid drum is employed, or a reel composed of a large number of bars, this rising or recurving tendency is resisted by the intermediate points or bars, and the dent or flattening or compression resists the water and will not straighten out."

But whether the drum form or the four bar form of the reel offers the least obstruction to the flow of the water through the hose wound upon the reel, and is best adapted to produce a practical and efficient fountain or spray without unwinding any more hose from the reel than necessary to reach to the desired point, it certainly does appear from the specification and drawing of the original patent that such was the mode of operation of Mr. McGaffey's invention and that a reel of "large diameter," "sufficient diameter so that the water will freely flow through the portion of the hose wound thereon," is one of the elements of his invention, and one, too, which is necessary to its successful operation in the manner described.

Not only does this fact appear from the original patent, but the history of Mr. McGaffey's invention coincides therewith, corroborates and strengthens it, and shows that a "Fountain Hose Carriage," or a device that would hold the nozzle and form a practical fountain while the unused portion of the hose is wound upon its reel, is the thing or result that McGaffey was striving to produce or invent.

The very first form of the device Mr. McGaffey made was a large diameter reel, of conical form, arranged vertically, so that the hose would lay spirally around the same, and thus avoid having one layer placed on the top of another, which, in this early history of the invention, he may have thought necessary or desirable to prevent obstruction to the flow of the water through the hose wound thereon and to the production of a practical and efficient fountain or spray. This early form of the invention clearly exhibits the object and purpose the inventor had in view and designed to accomplish, and which is carried out or embodied in the apparatus shown and described in the patent.

It appears therefore that this "Fountain Hose Carriage", consisting of a wheeled carriage having a foot or brace to sustain it in an upright position; a nozzle-holding device at its top, and a reel of large diameter to permit the water to flow through the hose wound thereon, is the invention Mr. McGaffy made, the invention shown in the drawing of his original patent, the invention described in the specifications thereof, and the invention whose mode of operation is therein set forth.

III.

THE INFRINGEMENT.

The device built and sold by the appellees is introduced in evidence, and is before the court. It is not necessary, however, to refer to the model or machine exhibits of either the appellants or the appellee's device, as the former is clearly shown in the drawing of their patent sued upon (Rec., 21), and the appellee's device is clearly shown in the drawing of their patent No. 209,278, of October 2, 1878, which is found in the record at page 37. That the appellee's device is a clear infringement of the first claim of the re-issue, cannot be seriously contested. It shows all the elements of the combination—the wheeled carriage having a foot or brace to sustain it in an upright position as a fountain standard—a nozzle-holding device, and the reel of large diameter to permit the water to flow through the hose wound thereon. It is a "fountain hose carriage."

It is quite true that, upon a critical examination of the appellee's fountain hose carriage, the eye will not fail to detect several formal alterations from the apparatus depicted in the drawing of the patent; but the spirit of the invention is nevertheless embodied. It has the hydraulic reel of large diameter, though, it is true, it is covered with sheet metal. This covering, if it be a benefit, as contended by appellees, is a mere addition; and if it be an injury, as contended by appellants, is not at all events such a change as affects the function or operation of the reel as an element of the combination to a sufficient extent to make of it a different thing.

It also has the standard provided with a foot, or brace, adapted to make it stand upright, though, it is true, it is made in two pieces instead of one, a change which perhaps was borrowed from McGaffey's or appellee's second patent (Rec., 35), which, it will be observed, was issued nearly two years before Manard's patent, and which form was also upon the market, as the testimony shows, before the appellees began their manufacture. In any event, they should have no credit for it as an original thought.

It also has a nozzle-holding device near the top of the standard, though, it is true, it differs somewhat in form from each of the two forms of clasps shown in the patent for this purpose. But the mere fact that the patent shows two forms of nozzle-holding devices widely differing from each other is enough to indicate that the holder of the patent is broader in intent than either special form. The infringement is therefore clear.

IV.

THE PRIOR ART.

It will be found upon examination, that this invention of Mr. McGaffey, as shown in the drawing of the original patent, as described in the specification, and having the mode of operation therein set forth, and as claimed in the first claim of the re-issue, is not disclosed anywhere in the prior art.

It clearly appears that Mr. McGaffey was the first to make a "Fountain Hose Carriage," a portable device that would serve to hold or poise the nozzle at a suitable height as a fountain standard, and at the same time form a practical fountain or spray, while the unused portion of the hose is wound upon its reel. He was the first to make the accomplishment of this new and useful result practicable by combining a reel of large diameter with a portable fountain standard. The great utility, importance and value of this improvement is sufficiently shown by the great and rapid extent to which it has gone into use, and by the fact that it has supplanted all the old devices previously employed.

The testimony shows (Rec., 12, 13), that the sale of these "Fountain hose carriages" has increased from 1,000 in the year 1876, the date of the patent, to more than 15,000 in 1880, the year preceding the date of the deposition, and that the patented invention has superseded all the old devices previously in use. Great popularity and quick introduction of an invention into extensive use, and the fact of its driving prior devices out of the market, is justly considered an incident usually indicative of the novelty of a device, as well as that invention was required in its production. And, as might be expected from this fact, we will find upon taking up, in their order, the prior patents or devices introduced in evidence, that no one of them shows a "Fountain hose carriage," a combination of a wheeled carriage provided with a foot or brace for sustaining it in an upright position, a nozzle-holding device, and a reel of large diameter so as to allow water to flow through the hose wound thereon; or, in other words, a combination of a portable or wheeled fountain standard and a reel of large diameter. In some of these prior devices or patents we will find a fountain standard; in others we will find a fountain standard and the ordinary reel, but no reel of large diameter; in others we will find a reel or drum of large diameter, but no fountain standard and nozzle-holder device; in others we may find a wheeled carriage having a foot or brace to sustain it in an upright position, but no reel of large diameter and no nozzle-holding device; in others still we may find a fountain standard mounted on

wheels in combination with a reel, but not a reel of large diameter so that the water can flow freely through the unused portion of the hose when wound upon the reel. Nowhere do we find Mr. McGaffey's invention, the combination of a fountain standard with a reel of large diameter.

The prior patent to Wiler, Sturges & McFall, No. 18,421 (Rec., 43), shows simply an ordinary fire engine hose carriage with reel of small diameter, and in which, to use the hose, it must all be taken from the reel. This patent shows no reel of large diameter, no fountain standard, no nozzle-holding device, and the wheeled carriage has no foot or brace to sustain it in an upright vertical position.

The prior patent to Lee and Alden, No. 36,438 (Rec., 39–41), shows a conical reel of large diameter provided with hooks for supporting the hose in a spiral position on the same, in order to drain the water out of it. It shows no fountain standard, no wheeled carriage having a foot or brace to sustain it in a vertical position, and no device for holding and poising the nozzle.

The prior patent to Lessler, No. 121,949 (Rec., 41; drawing at side p. 84), shows a fountain standard and a reel of the ordinary small diameter, mounted on wheels or casters, and in which, to use the hose, it must be all taken from its reel and laid upon the ground in the ordinary old way. It shows no reel of large diameter to take care of the unused portion of the hose, and permit the water to play freely through it and out at the nozzle, forming a practical fountain or spray while wound upon the reel.

The prior patent to Shaw & Ashley (Rec., 45), shows merely a horse hose carriage for firemen's hose, with the ordinary reel of small diameter. There is no reel of large diameter, no fountain standard, and the wheeled carriage has no foot or brace for sustaining it in an upright position.

The prior patent to Brusie, No. 137,175 (Rec., 47), shows simply a rotating lawn sprinkler or fountain standard. There is here no reel of large diameter, no wheeled carriage with a foot or brace for sustaining it in an upright position, and in fact no nozzle-holding device, as the sprinkler standard is hollow and provided with a coupling near its base, for attaching the hose directly thereto.

The prior patent to Smith, No. 137,802 (Rec., 49), shows an ordinary fountain standard, provided with a nozzle-holding device or clamp. It has no reel of large diameter, and no wheeled carriage having a foot or brace to sustain it in an upright position.

The prior patent to Ryder, No. 144,415 (Rec., 42), shows also a mere fountain standard and nozzle-holder, and has no wheeled carriage nor reel of large diameter.

The prior patent to Lee & Kley (Rec., 50; drawing, side pp. 100–101), shows a two-horse firemen's hose carriage, with the ordinary reel of small diameter, from which the hose must all be

taken in order to use it. There is here no foot or brace for sustaining the carriage in an upright position, no fountain standard, no nozzle-holder, and no reel of large diameter.

The patent to Muller, No. 160,220, granted February 23, 1875 (Rec., 52), is too late in date to anticipate the patented invention, and need not, therefore, be considered.

The testimony shows that Mr. McGaffey made his invention in June or July, 1874, at which time he made the original wooden "Fountain Hose Carriage," which is in evidence as an exhibit, marked "McGaffey's First Reel," and was used at his residence, 1002 W. Adams street. (Deposition of McGaffey, Rec., ~~28, 29~~ 19. 84 & 20. 21.)*

This exhibit, "McGaffey's First Reel," shows the invention—the combination of a wheeled carriage having a foot or brace to sustain it in an upright position, a nozzle-holding device at its top, and the reel of large diameter, to permit the water to flow freely through the unused portion of the hose wound thereon.

Moreover, the Muller patent, though it is a garden hose carriage and sprinkler, and shows a reel of large diameter with means for holding or poising the nozzle at the central horizontal axis of the reel, still does not in fact disclose or exhibit McGaffey's invention, because the wheeled carriage of the Muller patent is not designed to be sustained in an upright position so as to constitute a fountain standard, and it exhibits no means of poising the nozzle except horizontally; so that even if prior in date it would not anticipate McGaffey's invention.

The patents to Miller, No. 167,851, of September 21, 1875, (Rec., 53); to Edwards, No. 169,344, of November 2, 1875, (Rec., 56); and to Copping, No. 180,007, of July 18, 1876 (Rec., 55), are are all too late in date and need not be considered. And they moreover, would have no bearing upon the case even if they were early enough in point of time, as the first one or Miller patent, shows merely a hose reel of small diameter, the ends of which are made to serve as wheels, and has no fountain standard, nozzle holder, nor reel of large diameter, and the latter two show simply nozzle holders or fountain standards without any wheeled carriage or reel of large diameter to take care of the unused portion of the hose.

The prior device shown in Knight's Mechanical Dictionary, at page 1,132 (Rec., 58) shows a wheeled carriage having a foot or brace for sustaining it in an upright position in combination with a reel of small diameter. It is simply a garden hose reel or carriage. It is in no sense a "Fountain Hose Carriage." It has no nozzle-holding device, and no reel of large diameter to permit of the water flowing freely through the hose wound thereon. The written description or explanation accompanying the figure is as follows: "A

* For convenience of the court, a photograph of this exhibit is placed at the end of brief.

reel to carry hose for garden, stable or other domestic uses." This is all; it contains no hint or suggestion of anything but a mere hose reel and its carriage. It in no way suggests McGaffey's invention —the fountain hose carriage—and it lacks two of the essential elements of said invention, the nozzle-holding device and the reel of large diameter.

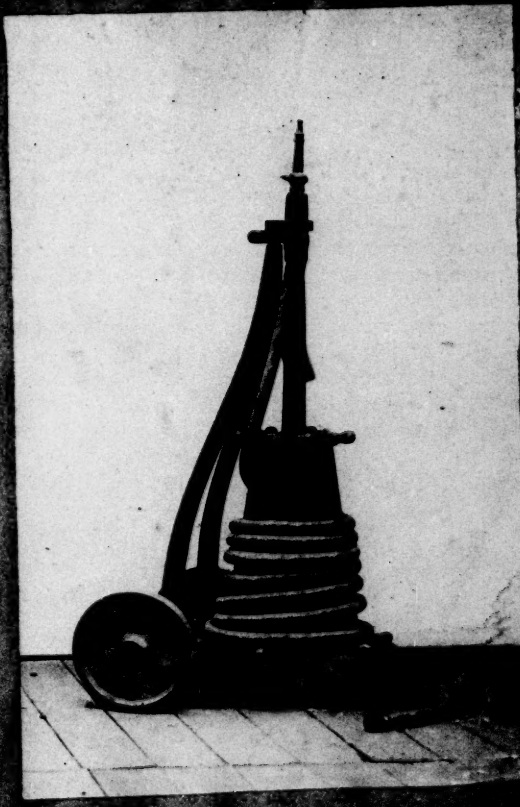
The only element of the invention that it does in fact show, is the particular form of carriage with the foot or brace, to sustain it upright, but this might as well have been found in the ordinary trucks used in stores for moving boxes, etc.

It is clear, therefore, that McGaffey was the first inventor of the "Fountain Hose Carriage," or in other words, the first to combine together a wheeled carriage, having a foot or brace to sustain it in an upright position, a nozzle-holding device, and a hose-reel of large diameter, to allow the water to flow through the hose wound thereon, and thus form a practical and efficient fountain without the necessity of unreeling all the hose from the reel. And being the first to combine these elements together and thereby to produce a new and useful result, under the authority of *Bates* v. *Coe*, 98 U. S., 31, and other like cases, the combination is not anticipated by prior patents or publications which show some one or more of these elements less than the whole.

We respectfully submit, therefore, that the re-issue is valid, that the patent is infringed, and the invention is a new and useful one, and that the decree of the Circuit court dismissing the bill should be reversed.

Very respectfully,

JOHN W. MUNDAY,
Counsel for Appellant.



116-661

BRIEF FOR APPELLEES.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1885.

No. 932.

ALPHEUS B. MANARD AND JAMES W. MANARD, APPELLEES.

ats.

EVERETT B. PRESTON, APPELLANT,

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF ILLINOIS.

Record Filed Sept. 8, 1885, and cause submitted on Briefs by stipulation.

SUPREME COURT

OF THE

United States.

October Term, A. D. 1885.

No. 932.

ALPHEUS B. MANARD, and
JAMES W. MANARD,
Appellees,
ats,
EVERETT B. PRESTON,
Appellant.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

BRIEF FOR APPELLEES.

This case was brought in equity in the court below for an infringment of re-issued letters patent, No. 10,047, granted February 28th, 1882, for improvements in fountain hose reel carriages. The original patent was dated October 10th, 1876. Application for re-issue was filed January 21st, 1882.

Prior to the commencement of this suit, and in May, 1880, the appellant in this case brought his suit in the court below against these same defendants for an infringement of the original letters patent No. 183,188; upon which suit the same testimony was taken as was used by agreement in this case, as the Court will observe in the record; and on January 6th, 1882, the court below decided the case and dismissed the bill for want of equity, the court holding that the first claim was void for want of novelty, and that the combination therein set forth had been fully anticipated in the references from Knight's Mechancial Dictionary, Vol. 2, page 1132, under the title of "Hose Reels," and also held that the defendant in that case did not infringe any of the other claims of the complainant's patent. Soon after the decision of this case upon the original patent, the appellant surrendered the original patent and filed application for re-issue January 21st, 1882, which application was granted and the present re-issue of patent No. 10,047 was issued February 28th, 1882; the first claim materially enlarged and included matters theretofore disclaimed by the patentees, and dedicated to the public upon the issue of the original letters patent.

The court below holding in fact as follows:

1st. That the re-issued patent sued upon was void on the ground that the same is broader and an enlargement of the original patent.

2nd. That the re-issued patent sued upon in this case covers other inventions from that covered by the original patent.

3rd. That the subject matter of the first claim of the re-issued patent sued upon had been dedicated to the public.

4th. That the re-issued patent sued upon was void from reason of laches in applying for a re-issue of the same.

5th. That the re-issued patent sued upon was void for lack and want of novelty, and was merely an attempt to claim a matter of construction and comparative size in the reel.

6th. That the re-issued patent sued upon was void for lack of patentable invention.

7th. That the equities in the case were for the defendants, and the court dismissed the bill for want of equity, as it had a prior bill upon the same proof and inventions.

Upon the decision of the case by the court below the appellant filed his petition for a re-hearing setting forth substantially the arguments used in his argument and brief in this case on appeal, which petition for a re-hearing was refused by the court below; whereupon the appellant takes his appeal to this court.

The original patent was issued Oct. 10, 1876. It was sued upon in May, 1880. Evidence was taken in the case, and an adverse decision given Jan. 6, 1882, and not till this case was disposed of by a decree of this Court dismissing the bill "for want of equity," did the complainant even think or dream of a reissue of his patent. Then, on the 21st day of January, 1882,—nearly six years after the issue of the original Letters,—he surrenders the original Letters, and asks to reform his claims and to obtain a reissue.

This is a practice which is not approved or tolerated, and bars a recovery in this case, even though the complainant may have some merits, which we do not admit.

The complainant has not used such diligence as is required to sustain his reissue.

"When a specific device or a combination is claimed, the "non-claim of other devices or combinations apparent on the face "of the specifications, is, in law, so far as the patentee is concerned, "a dedication of them to the public, as will be so construed, unless "he, with all due diligence, surrenders his patent for reissue, and "proves that his omission to claim them arose wholly from inad-"vertance, accident, or mistake."

Miller vs. Brass Co., 104 *U. S. Repts.*
Ives vs. Sargent, 17 *Fed Repts.*, 442.

"Such lapse of time as indicates his want of due diligence is "fatal, and the re-issue, if granted, will be void."—*Ib.*

"The Court condemns the practice of reissuing patents with "broader claims than those covered by the original letters."—*Ib.*

"If the original Letters Patent were inoperative or invalid "by reason of a defective or insufficient specification; or by reason "of the patentee's claim as his own invention or discovery *more* "*than he had a right to claim* as new; *if the error has arisen by* "*inadvertence, accident, or mistake,* and wituout any fraudulent "or deceptive intention, the commissioner shall, on surrender of "such patent, etc., cause a new patent to issue," etc.

"But such mistake, error, or inadvertence could be discerned "at once, and if any correction was desired it should have been "applied for *immediately*, but the right to such correction has "been *abandoned* and lost by *unreasonable* delay."

Bants vs. Frantz, 105 *U. S. R.* 160.

To the same point.

Combined Patent Can Co. vs. Loyd, Cir. Court, E. D. Penn. 11. *Fed. Repts.* 149.

When the omission may be discovered upon the inspection of the original letters, a delay of five years is evidence of *laches* and will be fatal to a *reissue.*

Sterit vs. Leuter, 11 *Fed. Rept.* 309.
James vs. Campbell, 21, *O. G.* 337.
Hartshorn vs. E. S. Roler Co., 18 *Fed. Repts.* 90.
Torrent, Arms Lumber Co. vs Rodgers, 112 *U. S.*, 659.
Mahn vs. Harwood, 112 *N. S.*, 354.

The reissue is evidently for the purpose of claiming "a hose reel of *larger diameter*, so as to allow the water to flow through the hose," in combination with a hose carriage.

If the omission of this clause, or feature, were an error, or accident, then it was discernible and apparent at once, and the above cases dispose of this bill without a question.

But if the reissue were warranted at all, by law, after such a delay, it is *void*, because the claiming a "reel of *larger diameter*" is no claim at all; it is a mere matter of *comparison*, and not *patentable,—is not the subject of invention*; it is merely a question of degree—a matter of construction. He does not state the size.

Gend vs. Brooklyn, 105 *U. S. Rept.*, 550.
Smith vs. Nichols, 21 *Wall*, 112.
Philps vs. Deterit, 111 *U. S.*, 604.
Slawson vs. G. S. R. R. Co., 107, *U. S.*, 649.
Morris vs. McMillen, 112, *U. S.*, 244.
Hollister vs. B. & C. Mfg. Co., 113 *U. S.*, 59.
Thompson vs Boiselin, 114 *U. S.*, 1.

The combinations in the first, second, fourth and ninth claims are for "a hose reel of large diameter, so as to allow the water to flow through the hose when wound thereon." Now the question of *how* large a reel *must* be, or how small it *may* be, in order to allow the water to flow through the hose when wound thereon, the court will not attempt to say; for, as the court below said in its decisions, "*it depends on many other circumstances such as how large the hose is, how stiff, or how closely it is wound.*"

Another point is, the defendants use a *drum*, not "*a reel with four separate points*," as *specially* claimed by complainant in his specifications. (Record 44 and printed record 23.) Here he expressly disclaimed "a drum."

Complainant has expressly disclaimed *a reel of large diameter* covered with a solid surface, or a "*solid drum is used.*" He says the effects are not obtained,—he "*disclaims the solid drum*," and says it *does not* secure the desired effect.

"It was not the object of the patent laws to grant a monopoly "for every trifling device, which would naturally and spontaneously "occur to any skillful mechanic or operator in the ordinary prog- "ress of manufacture."

Atlantic Works vs. Brady, 107 *U. S. Repts.*, 192.

We show that every feature of complainant's first, second, fourth and ninth claims are void, and have been passed on by the court below, and are the only claims in controversy in this case.

An examination and comparison of the re-issued letters patent No. 10,047, dated February 8, 1882, issued to Ives W. McGaffey, assignor to E. B. Preston, Hose Reel with the original letters patent, No. 183,188, dated October 10, 1876, issued to Ives W. McGaffey, Hose Reel, reveals the fact that a space of over five years' time intervened between the dates of the original and reissued patents in this case, and inasmuch as a public use of two years prior to an application for a patent is a *dedication* of the invention to the public, it would seem that the delay or negligence of the complainant for over *five years* to make application for a reissue of his patent should be sufficient to give to the public all matter contained in his original patent, not embodied in the claims thereof; and this, we understand, is in accordance with the rulings of the court in such cases. This examination and comparison further shows that claims *one*, *two*, *four* and *nine* of the reissued patent (the only ones in issue in this case) are not found in the original patent, and in each of these claims is embodied an *indefinite*, *comparative* condition of construction of a reel, not found in the claims of the *original patent*, and to whatever extent the words "of larger diameter" therein contained, may affect the scope of the claims *one*, *two*, *four* and *nine* of the reissue, to such an extent does the reissue *differ* from, and *enlarge* the scope of the reissue over the original patent.

The words "a reel of larger diameter," as employed in the several claims one, two, four and nine, are limiting clauses, and as such must operate to confine the diameter of the reel within some limits; and if they have any significance or force they must mean something; and as a reel can only be *large* in diameter when

compared with a reel having a *less* diameter; and from their indefinite and comparative character, it would seem safe to consult the inventor to determine, if possible, what he intended them to mean. For this purpose a reference to the specifications of the complainant's reissued patent, on page 23 of printed copy of Record is found the following: "The reel being supported at a considerable "height from the ground renders *it possible* to employ a reel of "a *sufficient diameter* so that the water will freely flow through "the portion of the hose wound thereon." And also: "This in "connection with the *large diameter* of the reel facilitates the "discharge of the water." From these passages we conclude that the "reel of large diameter" of the several claims one, two, four and nine of the reissued patent, is a reel having a diameter such as to permit a reasonable free flow of water to pass through the hose when properly wound on its reel bars. If our conclusions as above are reasonable and are within the meaning of the patent, exactly such a reel is found in patent No. 160,220, garden sprinkler, issued to Peter Muller, dated February 23, 1875; from which it seems that Ives W. McGaffey was not the first to give the public, through the Patent Office, a hose reel of large diameter.

We find the first claim of complainant's reissued patents as follows:

"First. The combined hose carriage and fountain standard, "consisting in the combination of the following elements, viz.: a "wheel carriage provided with a foot, or brace, by means of which "it may be sustained in an upright vertical position; a nozzle-"holding device; and a reel of large diameter to allow the water "to flow through the hose when partially wound thereon, substan-"tially as specified." This claim consists of a wheel carriage having a foot or brace, a nozzle-holding device, and a hose reel of large diameter.

A further examination of the Peter Muller patent above cited will show combined in one machine: A wheeled carriage having a foot or brace; a nozzle-holding device; and a hose reel of large diameter. The wheeled carriage of this patent is represented as being constructed with two side beams, or thills, having trans-

verse connections; mounted upon carrying wheels, and provided with a central foot, or brace, on which it is supported in a horizontal position. In Knight's American Mechanical Dictionary, Vol. 2, Page 1,132, at Fig. 2,585, on page 59 of printed Record, is shown a hose reel mounted upon a wheeled carriage. The wheeled carriage of this example consists of side beams, or thills, supported on brackets which rise from the axle on which the wheels revolve, and the ends of the side beams in connection with the wheels form a four-footed pedestal to support the beams in an upward inclined position.

The complainant's wheeled carriage consists of a single tongue, or standard, mounted upon carriage wheels, and a central foot, or brace, producing a tripod to support the single beam, or tongue, in a vertical position.

This examination shows that the complainant's wheeled carriage differs from the Muller machine, and from the example in Knight's Mechanical Dectionary, in that it has but a single beam, or tongue, and that its central foot, or brace, is placed in such relative position with the tongue as to support it in a vertical position: this beam, or tongue, and a relative position of the foot, or brace, therewith, constitutes the novelty ot the complainant's wheel carriage over the Muller machine; and over the example in Knight's American Mechanical Dictionary; and in an examination of the defendants' machine we fail to find that these features have an existence therein, either singly or combined.

The next feature of complainant's claim one is, "a nozzle-holding device." The presentation in the claim of this featuae is such, from its indefinite character, as to embrace any form of nozzle-holding device, in any location on the machine. We find in the specifications of the complainant's reissued patent, that a nozzle-holding device may be employed on either the standard or reel, or both, but as but one holder is mentioned in tne claim, and its location undefined, it may be either on the standard or on the reel, and be within the meaning of the claim, and we conclude that the nozzle-holding device in the Muller patent above cited fully

meets this feature of complainant's claim one, as presented. Inasmuch as nozzle-holding devices were old at the date of McGaffey's patent, see Patents:

No. 36,438, *Lee & Alden, Hose-reel, Sept.* 9, 1862.
No. 121,949, *J. J. Lessler, Lawn Sprinkler, Dec.* 19, 1871.
No. 144,415, *C. Rider, Garden Hose Rests, Nov.* 11, 1873.
No. 160,220, *P. Muller, Garden Spainkler, Feb.* 23, 1876.
No. 169,344, *O. Edwards, Stand for Holders for Hose-pipe Nozzles, Nov.* 2, 1875.
No. 137,802, *H. C. Smith, Garden Hose Holder, April* 15, 1873.
No. 180,007, *G. H. Coping, Lawn Sprinkler, July*, 1876.

"In which are shown quite a variety of devices for holding hose nozzles. We conclude that the complainant must be limited to his particular device shown and described in his reissued patent, see page 22 of printed copy of Record, and consisting of 'a pair of 'shell-shaped halves, EE, which are secured to the standard by a 'thumb-screw bolt, *e*, through the flattened overlapping lower ends 'of the scrolls, or shells, serving to hold the contrivance in 'place.'"

The next element of this claim one is "a reel of large diameter," which, as defined in the claim, I conclude is fully met by the reel of the Muller patent; in which is shown a reel of large diameter as compared with reels of less diameter, such as shown in patent No. 18,421, Wiler, Sturges & McFall, Hose Carriage, Oct. 13, 1857; No. 169,815, Joseph A. Miller, Hose Reel, Sept. 21, 1875; No. 127,270, Shaw & Ashley, Hose Cart, May 28, 1872; and others that might be cited. The reel of the Muller patent is represented as being constructed with eight reel bars supported in reel heads, and of a diameter sufficient to permit water to pass through the coils of the hose wound thereon; and in our opinion this reel fully meets the terms of complainant's reissued claim one, so far as relates to the reel. From the drawings and the meagre description of the complainant's reel, given in his reissued patent, we find it to consist of ends, composed of cross-bars supporting *four* reel-bars

on which to wind the hose; this construction gives to this reel all the novelty it possesses, and to this particular construction of reel we find the inventor limits himself by his own language, in which we find the following:

"'With a view to this method of using the apparatus, a 'peculiar feature of the reel consists in the fact that the hose is 'wound upon four separate points, or bars. This, in connection 'with the large diameter of the reel, facilitates the discharge of the 'water.' * * And further states: 'Now, if a solid drum is 'employed, or a reel composed of a large number of bars, this 'rising and recurving tendency is resisted by the intermediate 'points or bars, and the dent, or flattening, or compression, resists 'the water and will not straighten out.'"

From these quotations, strengthened by the passage between them, we conclude that the inventor discards both the reels of many bars, such as the Muller reel, and the *drum formed* reel of the defendants' machine, and limits himself to his particular *four-barred reel.*

In addition to the Peter Muller patent before cited, a reference to patent No. 121.949—J. Lessler, Lawn Sprinkler, Dec. 19, 1871, —will show that a hose reel mounted upon a wheeled carriage having a vertical standard provided with a nozzle-holding device, was not new even at the date of the Muller patent, and was patented nearly five years prior to the date of complainant's original patent.

From the foregoing we are clearly of the opinion that the wheeled carriage of the complainant's reissued claim, "*one*" must be just such as shown and described, viz.: "A standard A "mounted upon an axle B supported on wheels CC and a central "foot D, forming a tripod to support the standard in a vertical "position; a nozzle-holding device consisting of a pair of shell-"shaped halvess EE, secured to the standard by a thumb-screw bolt "*e;* and a reel H composed of cross-bar ends supporting four reel "bars."

In an examination of the defendants' machine we fail to find any such wheeled carriage as above described, but instead thereon find a hose carriage which consists of side beams, or thills, supported on bracket axle arms on which the wheels revolve, and the ends of the beams in connection with the wheels form a four-footed pedestal to support the beams in an upward inclined position. This wheeled carriage of the defendants does not in any particular resemble the complainant's wheeled carriage, but in some particulars more nearly resembles the example shown at Fig. 2,585, page 1,132, vol. 2 of Knight's Mechanical Dictionary, on page 59 printed Record. The complainant's nozzle-holding device is not found in the defendants' machine, but instead thereof a new device for the purpose is employed, consisting of an elastic strap with metallic fastening, and which at the date of complainant's patent was not known to the art.

Instead of the complainant's reel of cross-bar ends, and four reel bars, we find a drum reel having a continuous peripherical rim on which to support the hose at all points of its circumference, and which is just such a reel as complainant discards in his reissued patent (see printed Record, page 23), and such reel was not known in the art for the purpose, at the date of complainant's patent, and the defendants were the first to make the discovery that such reel could be successfully employed in garden hose reels; and that water would flow through a hose mounted upon "*a drum reel*," and were the first to employ such reel for the purpose in garden hose reels.

From the foregoing we are unable to find that the manufacture, sale and use of the defendants' machine in any particular infringes complainant's reissued claim, one.

In the examination of complainant's reissued claim, two, we find it to consist of the following elements, viz.: "A hose reel of "large diameter, a wheeled carriage provided with a foot, brace; "and devices for holding the nozzle both on the carriage and reel." Excepting the nozzle-holding device upon the reel, this claim, two, is identically the same as one, with the nozzle-holding device on the reel added. By referring to the specifications and drawings of

complainant's reissued patent we understand this added feature to consist in a clasp K fixed to the outer face of the cross-arms of the reel head, said clasp being a suitable curving hook, or loop, formed to receive the nozzle, or bent end of the hose, and hold it within the hook clasp between it and the reel bar. This form of nozzle-holding device supporting the nozzle and butt end of a hose, wound upon a hose reel, is clearly shown in patent No. 36,438, Lee & Alden, Hose Reel, Sept. 9, 1862.

This form of nozzle-holding device is not found in defendants' machine; nor is the hose-reel, the wheeled carriage, or the nozzle-holding device upon the standard of the carriage of this second claim cannot be infringed by the manufacture, sale, or use of defendants' machine.

We find complainant's reissued claim, four, to consist of: a hose reel of large diameter adapted to be fixed in position on its axle; and a nozzle-holding device on the reel. The reel and the nozzle-holding device on the reel, of this claim four, are the same as the corresponding elements of claim one and two, and are not found in defendants' machine. The device for fixing the reel in position on its axle, I find to be a set screw 2, passed through one of its hubs and entering a groove *f* cut in the spindle, and serves to fix the reel, to prevent rotation. No such device for such or similar purpose can be found in the defendants' machine, and consequently this claim four cannot be infringed by the manufacture, sale, and use of defendants' machine.

We find complainant's reissued claim nine to consist of a wheeled fountain standard and a hose reel of large diameter. The wheeled fountain standard of this claim nine is the wheeled carriage of the several reissued claims one, two and four, and the reel of large diameter of this claim nine is the reel of the several reissued claims one, two, four and nine, consisting of cross-bar ends, supporting four reel bars, and these devices are not found in the defendants' machine, and therefore this claim nine is not infringed by the manufacture, sale, and use of defendants' machine.

We have thus briefly examined these several reissued claims one, two, four and nine, in all of which we find the indefinite comparative phrase "of large diameter," and are free to say that we have been unable to say wherein it has any patentable force as employed in the claims, but being new matter, to whatever extent, if any, it may operate to enlarge the scope of the claims, to such an extent must it tend to invalidate the claims.

"Claim 3. The reel pivoted upon the standard in the manner stated in the claim cannot be found in defendants' machine; and therefore infringement of this claim cannot be established.

"Claim 5. The combination of the 'reel, the standard and the sleeve' of complainant's fifth claim cannot be found in defendants' machine.

"Claim 6. The peculiarly constructed nozzle-holding clasp of this claim has no existence in the defendant's machine.

"Claim 7. The elements of this claim are not to be found in defendants' machine.

"Claim 8. A construction such as is embodied in this claim is not employed in defendants' machine, and therefore infringement of these several claims five, six, seven and eight cannot be established.

Now, if McGaffey, in his specifications, ignores and expressly disclaims a hose reel with *solid surface*, then he cannot sustain his claim that the defendants' reel infringes his patent, because the defendants use only what McGaffey *disclaims*, and what his patent was an improvement on.

If it is insisted by the complainant that his claims one, two, four and nine are infringed by defendants' solid drum reel, then the complainant's re-issue *is void*, because he did not claim this solid drum in the original, but *disclaimed* it in the original specifications,

and it is *disclaimed* in the present specifications, and we insist cannot be lawfully embraced in his first, second, fourth and ninth claims, because he, in his original specifications, and in the present is limited to the particular reel described in his specifications; when an inventor is not a pioneer, he is restricted to his particular device.

Leggett vs. Avery, 101 *U. S. Rpt.* 256.
Sargent vs. Hall, Safe and L. Co., 114 *U. S.*, 63.
Railway Co. vs. Sayles, 97, *U. S. Rept.*, 554.

These claims, one, two, four and nine, are void because they claim more, and are broader than the original patent. The specifications describe "a hose reel that may be of large size." Then it goes still further and specifies a peculiar reel, viz.: "With a view to this method of using this apparatus a peculiar feature of the reel consists in the fact that the hose is wound *upon four separate points.*" Now, in his first, second, fourth and ninth claims he seeks to include or embrace any and all forms of reel, whether with four bearing points, or a "solid drum surface." The solid drum of the defendants is not "substantially as specified" by complainant, but is a reel radically different from the one described.

Coon vs. Wilson, 113 *U. S.* 268.
Mfg. Co. vs. Corkin, 103, *U. S*, 786.

It is evident that the original patent was only for a "*Hose Carriage*" which was capable of carrying a reel of *large size*, and nothing more.

We will only refer the Court to the patents and publications referred to by defendants as their proof, as shown in Record. Letters Patent, as follows:

No. 121,949, *J. J. Lessler, Lawn Sprinkler, Dec.* 19, 1871.
No. 144,415, *C. Rider, Garden Hose Rests, Nov.* 11, 1874.
No. 18,421, *Miler, Sturges & McFall, Hose Carriage, Oct.* 13, 1857.
No. 127,270, *Shaw & Ashley, Large Hose Cart, May,* 28, 1872.
No. 137,175, *R. Bruide, Lawn Sprinkler, Mar.* 26, 1873.

No. 137,802, *H. C. Smith, Garden Hose Holder, April* 15, 1873.
No. 152,849, *Lee & Kley, Hose Carriage, July* 7, 1874.
No. 160,220, *P. Muller, Garden Sprinkler, Feb.* 23, 1875.
No. 167,851, *J. A. Miller, Hose Rest, Sept.* 21, 1875.
No. 180,007, *G. H. Copping, Lawn Sprinkler, July* 18, 1876.
No. 169,344, *O. Edwards, Hose Holder, Nov.* 2, 1875.

Also, Title "Hose Reel" and Plate "Reel for Garden Hose," on Page 1,132, *vol.* 2 *of "American Mechanical Distionary" by Knight.*

We insist that we do not infringe either of the combinations in the four claims sued upon. We have a different carriage, different supports to hold it up, different clasps, have a pawl and ratchet instead of a thumb-screw, and we have a reel with a *drum* instead of a reel with *four bearing points* for hose to rest upon when wound thereon:

1. We believe and insist that there is no invention in the "reel of large diameter."

2. That the reissued patent is void, for laches, and void as covering more than the original patent.

3. That the references we have made show that McGaffey is not the inventor of any of the devices or combinations claimed.

4. And that, even if the patent should be held valid, we do not, in any particular, infringe the complainant's invention.

The truest test of infringement is, "whether the defendants use anything invented by the complainants."